

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

- 1 International Criminal Court
- 2 Trial Chamber III - Courtroom 1
- 3 Situation: Central African Republic
- 4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
- 5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
- 6 Judge Kuniko Ozaki
- 7 Trial Hearing
- 8 Thursday, 1 December 2011
- 9 (The hearing starts in open session at 10.19 a.m.)
- 10 THE COURT USHER: All rise. The International Criminal Court is now in session.
- 11 Please be seated.
- 12 THE COURT OFFICER: Good morning, your Honours, Madam President. We are in
- 13 open session.
- 14 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
- 15 case.
- 16 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
- 17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
- 18 PRESIDING JUDGE STEINER: Thank you. Good morning. Welcome Prosecution
- 19 team, legal representatives of victims, Defence team, Mr Jean-Pierre Bemba. Good
- 20 morning to our interpreters and court reporters. We apologise for the delay. It's due to
- 21 traffic problems in transportation of the witness.
- 22 I ask, please, the court officer to turn into closed session in order for the witness to be
- 23 brought into the courtroom. Mr Haynes.
- 24 MR HAYNES: Could I just inquire at what stage we will be breaking?
- 25 PRESIDING JUDGE STEINER: Yes, Mr Haynes. We'll have two sessions of two hours;

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 meaning we'll start now 10.20 and we will break for lunch at 12.20, and then resume from

2 2 to 4.

3 MR HAYNES: Thank you very much.

4 (Closed session at 10.20 a.m.) Reclassified as Open session

5 THE COURT OFFICER: We are in closed session, Madam President, since 10.20.21.

6 (The witness enters the courtroom)

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

8 (The witness speaks Sango)

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

10 (Open session at 10.23 a.m.)

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

12 PRESIDING JUDGE STEINER: Thank you.

13 Good morning, Mr Witness. It's the Presiding Judge talking to you, Mr Witness. Good
14 morning.

15 THE WITNESS: (Interpretation) Good morning, Madam President.

16 PRESIDING JUDGE STEINER: Did you manage to rest throughout the night?

17 THE WITNESS: (Interpretation) Yes, I was able to rest, despite the pain that I'm
18 experiencing in my eye. I am suffering because I do not have any protective glass, or
19 glasses.

20 PRESIDING JUDGE STEINER: Have you reported that to VWU, Mr Witness?

21 THE WITNESS: (Interpretation) Yes, I did talk to them about it when we went to the
22 hospital. I do not know quite what happened subsequently. I asked them to give me a
23 pair of glasses in order to protect my eyes, but I do not really know. I wanted to protect
24 my eyes against the wind but I do not know quite at what stage these things are at the
25 moment.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 PRESIDING JUDGE STEINER: The Chamber will request information from VWU in that
2 respect, Mr Witness. Are you ready to continue giving your testimony?

3 THE WITNESS: (Interpretation) I am here and ready to answer any questions.

4 However, I would like the possibility of having some glasses given to me during the
5 pause, during the break in order for me to be able to protect my eyes against the wind.

6 PRESIDING JUDGE STEINER: We will see whether it's possible to provide that during
7 the break, Mr Witness. If it's not possible during the break, by the end of the day VWU
8 will come back to you with a possible solution for your problem.

9 Mr Witness, I need to remind you that you are still under oath. Do you understand that?

10 THE WITNESS: (Interpretation) Yes, I do understand. I cannot forget the oath that I
11 have taken before this Court.

12 PRESIDING JUDGE STEINER: Thank you, Mr Witness. I'll give back the floor, then, to
13 the Defence. Mr Haynes will continue questioning you. I want to remind you that we
14 are in open session, so don't forget the recommendations about information that cannot be
15 given in open session. Is that fine with you, sir?

16 THE WITNESS: (Interpretation) That's fine by me. As I said to you, I am entirely at
17 your disposal during my stay here. I shall respect your instructions and your advice.

18 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

19 Mr Haynes, you have the floor.

20 MR HAYNES: Thank you, your Honour, and good morning.

21 QUESTIONED BY MR HAYNES: (Continuing)

22 Q. And good morning to you, sir.

23 A. Good morning, Counsel.

24 Q. Sir, so that you know, we're going to have two sessions of hearings today but they
25 are both going to be two hours long and that's quite a long time. If you do feel tired at

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 any stage, do let us know, won't you?

2 A. Yes, I do understand that.

3 Q. Okay. Well, I'm going to move on to something different this morning. I want to
4 talk to you about OCODEFAD. When did you first become aware of that organisation?

5 A. I heard about the OCODEFAD organisation from Madam Sayo. She approached
6 the victims and she told us where the headquarters of her organisation was located. It is
7 located around the Petevo neighbourhood. She told us that she wanted to gather the
8 victims together in order for us to be able to work together. She assembled all the
9 victims from PK12 and other localities, and she asked us to come and register. That is
10 what happened and that is how I came to hear of the existence of OCODEFAD.

11 Q. Well, thank you for that. You've answered a good number of my supplemental
12 questions. Can you remember what year it was that you first became involved in
13 OCODEFAD?

14 A. I don't remember the year, but I believe - I believe - it was in 2002. When the
15 Banyamulengue moved, when the Banyamulengue deployed in the provincial towns, that
16 was when Ms Sayo set up her organisation, OCODEFAD, bringing together the victims of
17 PK12 and PK20 --

18 THE INTERPRETER: Inaudible. "PK22," adds the interpreter.

19 MR HAYNES: Thank you.

20 Q. And when you say she approached the victims and brought them together, how did
21 she do that?

22 A. Yes, she informed us that she had set up an organisation that was called
23 OCODEFAD. It was a project that was intended to provide assistance to the victims; the
24 victims of the atrocities committed by the Banyamulengue. She told us that she created
25 the organisation because of the murder of her husband at PK22. She told us that she was

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 going to fight to ensure that the whole matter would be brought before the courts. She
2 called upon the victims, the inhabitants of PK12, PK22 and other victims in the Bimbo
3 prefecture and even the victims of towns far away. She invited all these people to come
4 and to register.

5 Q. Okay. How many times would you estimate that you have seen Madam Sayo over
6 the years?

7 A. From time to time, we would go to her office. Sometimes she would summon us
8 individually and we would go and provide information, documents, for example lists of
9 items that had been stolen, and the victims -- and the victims would have to bring these
10 various documents to Ms Sayo. She promised that she would do all she could to bring
11 all these various matters before the courts so that the victims could receive reparations.

12 Q. Thank you very much. And by "reparations," did you understand that to mean
13 money?

14 A. Well, to be quite honest, I believe that when you bring something before the courts,
15 it's because you expect some compensation for the goods that you lost because they were
16 looted and you realise and you know who the perpetrators were. When you know who
17 they were and when you bring something before a court, you expect that -- you expect to
18 receive some compensation.

19 Q. Thank you. And in addition to summoning groups of you to her office and
20 summoning you individually, did Madam Sayo from time to time address large numbers
21 of people in a crowd?

22 A. Yes. I believe I said here that several victims did register, victims from Kilometre
23 22, PK12, PK13. I can't give all the localities. It was thanks to Madam Sayo that I was
24 able to participate, that I am able to take part in this trial today and I'll take this
25 opportunity to pay tribute to her for her initiative setting up this NGO for assisting the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 victims and ensuring that these matters were brought forward and brought to the courts.
2 We drew up an inventory of all the various goods and items that were stolen and looted
3 and we provided that information to Ms Sayo, and I believe that we, the victims, do have
4 this opportunity to come here today and express that. It wasn't a countless number of
5 victims, but there was quite a large number of victims who did go and see Ms Sayo and
6 this was some sort of relief or comfort to us, but since we haven't been compensated yet
7 the struggle continues.

8 Q. Okay, but what I want to clarify is whether Madam Sayo stood up and addressed
9 large numbers of people and told them they could expect compensation. Is that what
10 happened?

11 A. Well, she made a speech and it was calming, so to speak, or soothing. She said that
12 there should be a trial. She said she wasn't a judge, she was a victim. You see, her
13 husband had been killed. "Set up your files, or prepare your files. I will forward them
14 to the courts and it will be up to the courts to analyse. They will be the ones who will
15 pass judgment." She never gathered the victims together for any kinds of reparations.
16 Rather she asked the victims, who had lost their husband or their wife, or property, to
17 prepare the necessary files, or information, and then that would be passed on to the court.
18 That is the kind of rhetoric, or that is what she told us basically. We were there.

19 Q. Okay, can we move on to somebody else. Did you ever encounter a lawyer by the
20 name of Ngoungaye Wanfiyo?

21 A. Indeed. The first person who was chosen as a lawyer, who was designated as a
22 lawyer, but we don't know what happened between Sayo and Ngoungaye. It was only
23 later that our lawyer was designated. I couldn't say why there was a change.
24 Admittedly at first Ngoungaye was designated, but later another lawyer took over. I
25 don't know that person's name.

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

1 Q. Okay.

2 THE INTERPRETER: Correction from the interpreter: "I don't know why."

3 MR HAYNES:

4 Q. Okay. Do you know the name of the lawyer that was appointed to you?

5 A. The lawyer who was designated is the representative who is seated over there. It's
6 no other person. It's the person over there. I'm speaking of Mr Zarambaud.

7 Q. I thought you were, but I just needed to clear that up. And when did you first meet
8 Mr Zarambaud?

9 A. What do you mean, "meet with him"? I was -- you were talking about the very first
10 lawyer, and I think I said that I didn't know why, and then the other lawyer was
11 designated. Since he was designated as a lawyer to represent the victims, he is the one
12 that we expect information from. I'm talking about Mr Zarambaud Assingambi and he's
13 right here.

14 Q. Okay. Well, we'll leave that to one side for a little while. Have you ever come
15 across any intermediaries from OCODEFAD, in particular a man called Emmanuel?

16 A. I believe that in OCODEFAD's office there is one person whose name is Emmanuel,
17 and when we provide the files, or the information, Ms Sayo turns over those files to this
18 other person who works with her and he records that information on the computer.
19 That's what I know.

20 Q. Has any intermediary from OCODEFAD ever been to your home?

21 A. OCODEFAD's intermediaries? No. Sometimes Ms Sayo herself, not just anyone,
22 it was her, herself, who would call upon us and we would go to her office and she would
23 ask us to activate the documents. Since Ms Sayo herself was a victim as well, she would
24 say to us that she was subject to the violence and the abuse like the other victims, and she
25 encouraged people to speak out. She said that the files would be sent to the Court and it

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 would be up to the Court to decide, but I didn't meet any intermediaries.

2 MR HAYNES: Okay. Your Honour, I think we better go into private session now.

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

4 *(Private session at 10.48 a.m.) Reclassified as Open session

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

6 MR HAYNES: Thank you.

7 Q. Sir, what was your position within OCODEFAD?

8 A. I only had one role within OCODEFAD. I was only a victim. I drew up my file
9 and I handed it over to Ms -- you see, I'm illiterate, uneducated. I don't see what role I
10 could play, since I'm not educated. I can't read and write. I can't put things into the
11 computer, so I think to play a role you have to be literate because you have to record
12 information. You have to prepare documents. I just submitted an inventory of the
13 various items that I lost, and then I sent that information or handed it over, rather, to
14 OCODEFAD.

15 Q. Do you know what role (Redacted) had within OCODEFAD?

16 A. Within OCODEFAD, this person is illiterate.

17 THE INTERPRETER: Correction, "He is literate."

18 THE WITNESS: (Interpretation) He was (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted) and I think you did well to ask me that question

22 because, yes, he was in the office of OCODEFAD.

23 THE INTERPRETER: "He was there as a victim as well," adds the witness.

24 MR HAYNES:

25 Q. While we're in private session, I just want to take the opportunity to ask you about

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Private Session)

ICC-01/05-01/08

1 your relationship with some other people. Do you know (Redacted)

2 A. I would like to know where (Redacted) lives because if you tell me, if you
3 tell me what neighbourhood he lives in, I might be able to give you some information.

4 Q. He lives (Redacted) I believe. Does that help?

5 A. (Redacted)? The person that I know very well is (Redacted) who is
6 also known as (Redacted) (phon).

7 THE INTERPRETER: Correction, (Redacted)

8 MR HAYNES:

9 Q. Let's try somebody else. Do you know (Redacted)

10 A. I certainly know (Redacted) He lives in my neighbourhood. I do know him.
11 He is short and he has suffered from a hernia. I do -- I know him quite well. I do know
12 him.

13 Q. Do you know whether he has any role within OCODEFAD?

14 A. Within OCODEFAD? I don't know what role he plays within that organisation.
15 He, too, is a victim. He's deemed to be a victim, and we would meet within this
16 organisation. I did not see him sitting in the office writing anything. He's a victim as
17 well, that I know.

18 Q. How do you know he's a victim?

19 A. Thank you. I just told you that we live in the same neighbourhood, that is why I
20 knew everything that had happened to him. You see, we suffered together. We ran.
21 We saw -- we ran into each other in the bush, and we came back to the neighbourhood
22 together. We live in the same neighbourhood, Counsel, and so that is how it came to be
23 that I met (Redacted) He doesn't live in some different neighbourhood, he lives in the
24 same neighbourhood as I do. I know him because -- as a victim.

25 Q. (Redacted) do you know him?

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 A. I know him very, very well indeed. He suffered. The Banyamulengue mistreated
2 him. God protected him and spared him, spared him from death. The Banyamulengue
3 had occupied a house just beside (Redacted) and I know (Redacted) quite well
4 as well as his wife and his children. I do know him. We live in the same
5 neighbourhood.

6 Q. (Redacted) do you know him?

7 A. I know him very well. All these people you've mentioned, I know them. God can
8 hear what I'm saying. All these people that you've mentioned live in the same
9 neighbourhood as I. He's also a victim. He lives in the same neighbourhood as me.

10 Q. Sir, how do you know all these people to be victims?

11 A. Counsel, please be more specific - are we in open session or private session - so I can
12 tell you more. I know all those people because we live in the same neighbourhood. We
13 all know one another. I know them. If I didn't know them I would have told you so,
14 but I am talking to you about what I saw and what I know about. These people are all
15 living in the same neighbourhood as I do. I -- I know them all.

16 Q. Sir, so that you feel comfortable, we are in private session. And I understand that
17 you know them all. I want to understand how you know what they suffered?

18 A. Counsel, how could I not know? Someone who is subject to violence or abuse, you
19 can't hide that. We fled together in the bush. We had to leave our houses and take
20 refuge in the bush. We shared information amongst ourselves. There were many of us
21 in the bush. Some people we knew, some people we didn't know, but the person
22 that -- the people that you've mentioned, (Redacted)
23 (Redacted) and so I -- certainly I know them
24 perfectly well.

25 Q. Well, you'll forgive me. I hadn't quite anticipated that answer, so we'll have to go

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 through it one-by-one. Did (Redacted) leave Begoua at the same time as you?

2 A. Thank you for the question. On the day that they arrived, we were all obliged to
3 flee. There was nobody left in Begoua. Remaining behind in the town of Begoua on
4 that day would be putting one's life at risk. They chased out the proprietors of the
5 various houses in order to take possession of those houses. We were all very frightened
6 and we were obliged to flee, and it was then that they started to break down doors and
7 loot our possessions. They would use the house doors in order to -- for firewood, and
8 let's not even talk about kitchen utensils. They would do precisely what they wanted to
9 do in our houses. They would even defecate there.

10 THE INTERPRETER: "He is present at the time that I'm speaking to you," says the
11 witness.

12 MR HAYNES:

13 Q. Did they do that in your house?

14 A. Well, what else can I tell you? I shall constantly repeat myself. I have nothing
15 further to add. I believe that I have said everything, Counsel. I do not know whether
16 you have understood what I told you, but I shall continue to repeat myself. I left my
17 home. I left the Central African Republic in order to come here and tell you the truth.
18 They did the very same thing in my house. What did they do precisely? Well, they
19 killed my sister because of a certain sum of money; notably 800,000 francs. I was
20 assaulted, sexually assaulted and so was my wife. My house was looted and so was my
21 money. They took everything away from my house. Today, my wife and I sleep on the
22 floor. Can you imagine an elderly individual such as myself sleeping on the ground? I
23 understand what you are asking me, but I tell you these individuals looted my house and
24 I was a victim of their atrocious acts.

25 Q. Sir, we will come back to this, but I just want you to have the opportunity of

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 reflecting on something you've just said. On the day that they arrived, did you flee?

2 A. You are right in putting this question to me, Counsel. As I said, when they arrived

3 in the year 2002, more precisely 8 November, I asked my wife to leave with the children,

4 which is what she did. I remained behind with my younger sister at the house. I was

5 sitting under a mango tree, and my sister walked out of the house carrying (Redacted).

6 She was arranging the meat, and it was precisely at that moment that the Banyamulengue

7 arrived and saw that she had money on her. They asked her to hand the money over.

8 She resisted and they threw her to the ground. They took the money, they pocketed the

9 sum of money and then when she tried to get to her feet one of them shot her immediately,

10 blowing her head to smithereens. There was brain matter all over the ground. Really I

11 was very, very -- I was beside myself. I got up, seeing what had happened, and I called

12 my neighbour and his wives had already left. My neighbour then came to help me to dig

13 a grave near to the house in order to bury her, and then my neighbour suggested that I

14 leave in view of the gravity of the situation. I went to Kilometre 22 in order to join my

15 wife and my children.

16 After five days we came back to Gobongo, and after a certain moment in time one of the

17 Banyamulengue officers (Redacted) The officer in

18 question came, surrounded by many of his bodyguards and other soldiers, and he

19 addressed those present, saying that he (Redacted) Immediately

20 (Redacted) said that it wasn't possible to hold a

21 (Redacted) after having massacred civilians. Once he heard this, he got up

22 and he started to call his men saying, "Yaka, yaka," and then they left for their base once

23 again.

24 If you have any further questions to put to me, of course I'm ready to answer them.

25 Q. So your sister was shot on 8 November, was she?

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Private Session)

ICC-01/05-01/08

1 A. (No interpretation).

2 THE INTERPRETER: Message from the Sango booth: Could the witness please be
3 requested to repeat his answer? Thank you.

4 MR HAYNES:

5 Q. Sir, could you say that again, because the interpreters didn't hear it?

6 A. I was talking about the murder of my sister. I said that we had come out of the
7 bush in order to go to Gobongo. Well, that's not quite how things happened. The truth
8 be told, this was not how things unfolded. After my sister was killed, I then joined my
9 sister at PK22, where I remained for five days. Then myself and my children and my
10 wife returned to Gobongo, and this is where (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted) Well, correction, (Redacted)

14 said that it was not possible to hold (Redacted) after having
15 massacred the civilians. After having heard this, he became angry and he said, "Yaka wa.
16 Yaka wa." He called his men and they left for the base once again. That's what
17 happened. The meeting did not occur and I went home. I went back to Gobongo.

18 Q. Well, let us leave that for a moment because we are in private session for a different
19 reason. I'm going to put a similar question to you to one I asked you earlier to see what
20 your reaction is. Did you have any title within OCODEFAD?

21 A. Counsel, as I said to you, I did not hold a position with the OCODEFAD. I am
22 illiterate. I was not in a position to hold any post there. I was a member or I am a
23 member of OCODEFAD in my capacity as victim. It was only those who were literate
24 who could hold any position there, or have a function within that NGO.

25 As an illiterate individual, I am as good as blind. What could I have done? What

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 purpose could I have served within the OCODEFAD? I am a member as a victim. I just
2 wanted to come forward. I wanted to inform the NGO so that my case file be transferred
3 before a court, because of what I have suffered and because of any loss that I have
4 suffered. I am illiterate and as a result I cannot hold any position within OCODEFAD.

5 Q. Did you do any work for that organisation?

6 A. Counsel, as I said, and I shall reiterate, I was and am a member as a victim, and one
7 had to be literate in order to occupy a position within the OCODEFAD bureau. As an
8 illiterate individual, what might I have done within the OCODEFAD office? I was there
9 in my capacity as a victim in order to drop off my file, my case file, and then I went home.

10 Q. Did you provide any assistance to victims in your area?

11 A. What type of assistance, Counsel? All that I could do was (Redacted)

12 lodged by victims. The various victims (Redacted)

13 (Redacted)

14 (Redacted) The OCODEFAD office was to be found in the

15 direction of Petevo. That is what I did. That is what I saw and that is what I did.

16 Q. Good. Well, we're getting there. How many victims' forms did (Redacted)

17 (Redacted)

18 A. I did not count the number. There were several. There were several victims. I

19 did not count. Had I done so I would have told you, but Mrs Sayo was the individual

20 who received the forms, but I am not aware of the number of forms.

21 Q. Well, give us an approximate figure. Was it hundreds of forms?

22 A. What I can tell you is that there were several victims, and all of these victims from

23 PK22, PK12, and all the victims from my neighbourhood and various localities, well, I'm

24 not in a position to provide you with an approximation as to their number. There were

25 several victims. Those violent acts did not give rise to one or two victims. There was

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Private Session)

ICC-01/05-01/08

1 many people. The entire population of Begoua, of PK22 were victims. I cannot tell you
2 precisely how many victims there were. What is sure, or what is certain, is that there
3 were many.

4 Q. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 A. (Redacted) Madam Sayo instructed them to have the chef de quartier sign the case files,
13 and this gave judicial weight to the complaint lodged. Otherwise, the case file would not
14 have been admissible within a given jurisdiction or court, and that is why it was necessary
15 to append the stamp thereto so that it then be transferred to Madam Sayo and
16 subsequently to the judicial system.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 A. (Redacted) If there were a victim who had filled out a form and
11 then given it to Madam Sayo, it could be that Madam Sayo has mislaid this case file and as
12 a result the victim is then obliged to once again fill in an entire form.

13 I think that when you lose any possessions, you do not have to involve a third party to
14 certify or establish the fact. I believe that you will compile an inventory of what you've
15 lost and I think that it was up to this victim to draft an inventory, and (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 A. Counsel, it was the victims themselves; the victims whose front doors were broken
20 down, whose houses were looted. It was only those victims who were in a position to
21 draft an inventory of those possessions that had been looted. (Redacted)

22 (Redacted) It

23 was only the victims who could do that and who could provide an inventory of what had
24 been looted. Now, are you capable of telling me what is in my pocket? I do not believe
25 you are. I am the only person who can say what my pocket holds at this very moment in

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 time.

2 Q. Who filled in the forms?

3 A. Counsel, when one speaks of "forms," these forms are filled out on to pieces of paper.

4 There are pieces of paper, typewritten forms, and educated people -- well, the victims ask

5 educated people to help them draw up the inventory of goods that were looted. They

6 might say, "Well, I lost this item, or that item," for example a foam mattress, and after

7 drawing up the inventory (Redacted)

8 (Redacted)

9 (Redacted) Only the victims were able to draw up such an

10 inventory. (Redacted)

11 (Redacted) and it was up to the

12 victim to submit the document to the legal authorities.

13 MR HAYNES: Your Honour, I think we can venture tentatively into public session.

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

15 (Open session at 11.33 a.m.)

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

17 MR HAYNES:

18 Q. Sir, who were the educated people that helped the victims fill in their forms?

19 A. Counsel, do you really think that in the Central African Republic there are no

20 educated people? There are people who have had schooling. Let's say you have

21 children and these children have been educated, have had schooling. Children can do

22 such things. For example, a father could ask his son to fill out a form. In the Central

23 African Republic there are officials, there are students. Counsel, be serious. There are

24 many. Counsel, there are many students. There are educated people. These people,

25 these students, were able to fill out forms for their relatives, their aunts, their family

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 members. There are educated people in the Central African Republic.

2 Q. Were there any educated people who specialised in helping people fill out victims'
3 forms?

4 A. It was the children of the -- the children of the people who had been victims. There
5 were no specialised people doing this work. It was the children who were educated,
6 who had received schooling. Their fathers would ask them to fill out the forms, or to
7 draw up an inventory of goods that had been stolen, and then after doing that they would
8 give the document to their father, or to their family leader, who would then submit the
9 file.

10 Counsel, do you think that a single specialised person could register or draw up an
11 inventory of all the goods that were stolen? No, it was family members. You see, in
12 these families there were children who had received schooling and those children would
13 write the complaints for their parents, or family members. These were children who had
14 received schooling. There were no intermediaries, or specialised people.

15 Now, in Begoua in the Central African Republic, in PK22, all the way to Boali, do you
16 think that only one person could have drawn up the inventories of all the goods that had
17 been stolen? No, it was the children whose parents had been the victims of looting.

18 Q. Sir, were you ever aware of people who charged money to fill in victims' application
19 forms in your area?

20 A. No, Counsel, I'm not aware of any such thing. No victim gave money to anyone at
21 all to fill out a form, and I'm saying so before God. Everything I'm telling you is being
22 heard by God. Let me specify. The children whose parents had been victims would
23 draft the complaints, or fill out the forms, because, you see, the attackers had taken
24 everything; clothes, for example. There were school children, or young children in fifth
25 or sixth form. You see, children are educated, they receive schooling and at the time they

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 would fill out the forms, or draft the complaints, for their parents. A single person
2 couldn't have done all that work, no. At no time did I see anything like that. No one
3 was paid to do that kind of work. Those complaints, those forms, were filled out by the
4 children whose parents had had items stolen from them, looted.

5 Q. Sir, would it surprise you to hear that we have heard that people did charge money
6 to fill out victims' application forms in your area?

7 A. I never saw such a thing at any time. If I had seen such a thing, I would have told
8 you. Not even a single time. I told you that it was thanks to OCODEFAD that our
9 complaints were sent all the way to the Court. Who could have gone throughout all the
10 neighbourhoods in order to fill out forms for the victims? I did not see any such people.
11 I am telling you about the events that I witnessed. Such forms could not be filled out in
12 any old way, or by any person.

13 Q. Sir, I've put this to you before, but see if this rings any bells. In your area, one man
14 who did such a thing was an OCODEFAD intermediary called Emmanuel. Do you
15 remember him?

16 A. I don't know that gentleman. I haven't even seen him. If I had seen him, I would
17 have told you so. As far as I'm concerned, the forms were presented by the people in
18 question themselves. They were brought to OCODEFAD by them, themselves. I didn't
19 see anyone who did any such work of this nature.

20 Q. Now, if this does pose you an impossible difficulty then you must say so, but I can't
21 think of any other way of doing this but to put a document on the screen in front of you.
22 It's Defence document number 9.

23 PRESIDING JUDGE STEINER: Mr Haynes, before you ask for anything to be put on the
24 screen, are you going to use this document as a basis for questioning the witness?

25 MR HAYNES: I'm simply going to ask him if he can recognise it.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 PRESIDING JUDGE STEINER: The Chamber has already ruled that the parties are not to
2 ask the witness to read or write anything, due to his illiteracy and poor eyesight, and I
3 refer to the Chamber's oral decision granting special measures to this witness which is in
4 the edited version of the English transcript of 28 November 2011 at page 3, lines 13 to 15.
5 That ruling stands. It's a fruitless exercise to ask an illiterate witness, who has trouble
6 with his vision, to read or identify documents, and the Chamber will not permit it. It's
7 also likely to prove embarrassing for the witness if he's asked to testify about documents
8 he's plainly unable to read.

9 To the extent the Defence wishes to use information in victims' application forms as a
10 basis for questioning the witness, it may do so without showing the forms to the witness
11 and without referring to information that may reveal the identities of the applicants, to
12 whom the forms relate.

13 MR HAYNES: I wonder if your Honour would just pause for a minute to have a look
14 yourself at Defence document number 9?

15 PRESIDING JUDGE STEINER: No document will be displayed for the witness to
16 analyse it.

17 MR HAYNES: Your Honour, I have to observe that according to the transcript of his
18 interview he drew this and wrote upon it. Now, if the Prosecution are permitted to
19 cause him to draw and write upon a document during the course of his interview it seems
20 to me, whatever his difficulties, to be absurd that he not be invited to recognise it. He
21 plainly could see it well enough to draw it and write upon it. But if that is your ruling,
22 so be it.

23 PRESIDING JUDGE STEINER: This is the ruling of the Chamber. Mr Bifwoli?

24 MR BIFWOLI: Madam President, your Honours, the Prosecution would also wish to
25 make observations. It is true that the document that the Defence counsel is talking about

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

1 was actually drawn in the year 2008, but it is true that the eye situation of the witness has
2 deteriorated and it is evident as to how the situation is now. It's not possible for now the
3 document to be put to the witness to read. Thank you.

4 MR HAYNES: There's absolutely no evidence of the assertion that's just been made.

5 PRESIDING JUDGE STEINER: Mr Haynes, I would prefer that you ask permission to
6 take the stand before you start talking or addressing the Bench. Before the Chamber
7 issued its ruling, the Chamber received report from VWU informing that the witness was
8 unable to read and unable to see. It's very, very poor eyesight, and the Chamber ruled
9 that no documents would be displayed for the witness to read and the Chamber will not
10 change its ruling. You can proceed, Mr Haynes.

11 Judge Aluoch.

12 JUDGE ALUOCH: Thank you. Mr Haynes, I suppose you can maybe go about it by
13 asking the witness if he recalls drawing or making anything during the course of his
14 interview.

15 MR HAYNES: Yes, I suppose I can. Thank you very much, Judge Aluoch.

16 Q. Do you remember drawing a diagram during the course of your interviews with the
17 Office of the Prosecutor in November 2008?

18 A. Thank you. I thank Bemba's lawyer for these unflattering remarks, asking me to
19 provide medical information from a doctor, medical reports. The doctor who operated
20 on my eyes, after I was subject to atrocities by Bemba's men, is -- that document is indeed
21 in my pocket. I have that information.

22 You see, during my meeting with the investigators I drew my penis and I provided that
23 document to the investigators, subsequent to the rape that I underwent, and I thank
24 Bemba's lawyer for all those nasty words.

25 Before my sight was good, but after receiving those blows I lost my vision. I have the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 medical reports in my handbook, the handbag, rather, and I can provide those documents
2 immediately. Indeed, I did draw a sketch and that was added to the case file. I did so.

3 Q. Well, we'll deal with that one. Do you recall after you had drawn on the body you
4 signed the document with your initials?

5 A. As usual, (Redacted)

6 (Redacted) so that the reports could be forwarded to the Court.

7 Today Bemba's lawyer is taking liberties to insult me, talking about my vision, and I put
8 all of that into God's hands.

9 THE INTERPRETER: Correction from the Sango interpreter: "I put all of that into the
10 hands of God."

11 MR HAYNES:

12 Q. Sir, do you also recall drawing a diagram on which you wrote certain figures?

13 A. I wrote 1, 2, 3, 4, 5.

14 Q. Thank you. Sir, what is a procès-verbal?

15 PRESIDING JUDGE STEINER: Sorry to interrupt, Mr Witness. Mr Haynes, just for my
16 clarification, did you give the reference number of this drawing?

17 MR HAYNES: No. It's Defence document number 9, which is CAR-OTP-0035-0033.

18 Thank you for the reminder.

19 PRESIDING JUDGE STEINER: It is the same as this other document that you are asking
20 questions now or it's another one?

21 MR HAYNES: Well, the witness --

22 PRESIDING JUDGE STEINER: The diagram.

23 MR HAYNES: The witness first referred to a body diagram, which I will find the
24 reference for in due course, if you don't mind.

25 PRESIDING JUDGE STEINER: You can proceed. Please repeat the question.

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 MR HAYNES: Thank you.

2 Q. Sir, what is a procès-verbal?

3 A. A procès-verbal is the document on which I sketched, I made a sketch, and then
4 after that I was asked to sign and I signed.

5 Q. No, I don't now ask you about diagrams you drew during your interview. What I
6 want to know is whether you know what, in the Central African Republic, a procès-verbal
7 is?

8 A. The procès-verbal that you mention, I just recognise the statements that I made to
9 the investigators from the Office of the Prosecutor, which were recorded. So there you
10 have it. Those documents that were sent to the Court.

11 MR HAYNES: Well, your Honour, the other documents which the witness referred to
12 are documents 11 to 13 on the Defence list, which are CAR-OTP-0035, and then 0057, 58
13 and 59.

14 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

15 MR HAYNES: And at a convenient moment, I don't believe we can proceed in open
16 session. I need to ask to go into private session.

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

18 *(Private session at 11.55 a.m.) Reclassified as Open session

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

20 MR HAYNES:

21 Q. Sir, in (Redacted) procès-verbal?

22 A. What procès-verbal are you talking about, Counsel? I've told you that I recognised
23 only the statements that I made to the investigators. I even drew a sketch, and that was
24 received by the Judges of the Court.

25 Q. For everybody else's benefit I am going to be referring to Defence document number

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 7, if you'd like to turn it up. (Redacted) procès-verbal which asserted

2 that people had been the victims of theft by the Banyamulengue?

3 A. What document are you talking about, Counsel? I've told you that what we did

4 was just draw up a list of goods that had been looted, and we provided that list to

5 Ms Sayo asking her to forward that information to the Court. We did not prepare other

6 documents for other courts. It was just the list of the various goods that had been looted,

7 that we drew up and then gave to Ms Sayo.

8 Q. Right. Well, let's come back to somebody we were talking about earlier, your

9 friend and neighbour (Redacted)

10 (Redacted)

11 THE INTERPRETER: (Redacted)

12 THE WITNESS: (Interpretation) I've told you that the children of the various victims

13 helped their parents draw up the lists of goods that had been looted; the tables, drinking

14 glasses, foam mattresses and so on and so forth. And (Redacted)

15 (Redacted)

16 (Redacted) that list and then it would be given to

17 their investigators.

18 It was just the list of goods that had been looted by the Banyamulengue. The house had

19 been left empty, and (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 MR HAYNES:

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Private Session)

ICC-01/05-01/08

1 Q. Thank you very much. That's very, very helpful. (Redacted)

2 (Redacted) house?

3 A. This was some time after the events. This was when the victims started to gather at
4 Madam Sayo's place. This is when they started to draft the inventory of the looted goods.
5 (Redacted)

6 Q. So I'll tell you what date the document says. The document says 5 February 2009,
7 so did you go to (Redacted)s house a little under three years ago?

8 A. That is true. That is what I saw. Had I not gone to ascertain with my very own
9 eyes that his house was empty, well, I was not obliged to do so, but he wanted to invite
10 (Redacted) to state that his house was empty and I saw with my very own eyes
11 that that was the case. I went into the living room, I went into the various bedrooms and
12 there was nothing left in the house, and that is how (Redacted)
13 (Redacted)

14 Q. How did you know what he had had stolen?

15 A. Counsel, only you as proprietor of your house are in a position to know the contents
16 of your residence. After the looting, only the proprietor could know what had been
17 looted. He could say that such-and-such an item had been taken away, for example, but
18 (Redacted) the fact that the house was empty. It
19 was completely empty. There wasn't even a bed left. I know that in judicial
20 proceedings witnesses will be called to confirm or deny the statements made by the
21 plaintiffs, and (Redacted) I went there and saw that the house was
22 empty. I did not see any possessions in (Redacted)s house. Everything had been taken
23 away. He was not the only victim in the neighbourhood, in Begoua neighbourhood.
24 Q. Well, that's something I'm coming on to, but is this the position? Whatever he said
25 was stolen and whatever value he said it had, (Redacted) is that right?

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 A. Yes, indeed. I saw that the house was entirely empty. I noted that fact. His
2 house was near (Redacted)s house. That is the magician. He was thrown out of the
3 house --

4 THE INTERPRETER: Correction: "The magistrate."

5 THE WITNESS: (Interpretation) But in this regard I have the following to say. It
6 would be interesting for him to go to the centre of Begoua and ask the questions there.
7 He would have answers to his questions there. What exactly was spared? Well,
8 nothing was spared the population of the centre of Begoua.

9 (Redacted)

10 A. Allow me to reiterate what I said; notably that in the Central African Republic there
11 are educated individuals. There are educated individuals. There are students there.
12 There are pupils, students who have been to school and who have also gone into further
13 education. Those children were in a position to be able to draw up the inventory, or
14 inventories plural, of the looted possessions. So those individuals could write things
15 down. You know, in the Central African Republic there are indeed educated individuals,
16 as elsewhere.

17 Q. Sir, I'm not talking about the generality. I'm talking about the day you went to
18 (Redacted) Can
19 you remember who wrote the procès-verbal that included the inventory?

20 A. Allow me to reiterate that he has children who are educated, that there are children
21 who are educated. Some of them are at the lycée Boganda. Others are being educated
22 at Gobongo lycée, or high school. Those children - their children - are educated, so I did
23 not need to worry because they had educated children. They had family members who
24 were educated. I was not in that position, whatever the case may be.

25 Q. So is it your evidence that the procès-verbal that (Redacted)s

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Private Session)

ICC-01/05-01/08

1 house was written by one of his children?

2 A. Yes, his own child. In view of the fact that his parents had lost their possessions,
3 well, he was there. Both the father and the son knew what had been looted. They were
4 unhappy and that is why they drew up an inventory of the looted possessions, in order to
5 potentially obtain compensation. And thank God there was a mission. Some
6 individuals went to the Central African Republic, the investigators interviewed certain
7 individuals and they registered the documents that they then certainly sent to the Office
8 of the Prosecutor.

9 JUDGE ALUOCH: Sorry, Mr Haynes. I just want to find out from Mr Witness whether
10 he found -- or this document procès-verbal (Redacted) already prepared, or was
11 it prepared in his presence? Please, Mr Witness.

12 THE WITNESS: (Interpretation) Thank you. I believe that it is important to answer
13 this question. (Redacted) and I noted the situation. I went back to my
14 house and (Redacted)

15 (Redacted)

16 (Redacted) The investigators went to the Central African Republic and they forwarded
17 this inventory - this procès-verbal - to the investigators. As I said to you, the inventory
18 was drawn up at their residence, they (Redacted)
19 (Redacted)

20 JUDGE ALUOCH: Thank you, Mr Witness.

21 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
22 (Open session at 12.14 p.m.)

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

24 PRESIDING JUDGE STEINER: Sorry Mr Haynes to interrupt you, but we need to go
25 into our lunch-break. We don't have enough time on the tape to continue.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 MR HAYNES: I understand. Thank you very much.

2 PRESIDING JUDGE STEINER: So thank you, Mr Witness. We are going now into our
3 lunch-break. You can have lunch and take some time to rest. We will resume today at
4 2 o'clock.

5 I ask, please, court officer to turn into closed session for the witness to be taken outside the
6 courtroom. In the meantime, we will suspend and resume at 2 o'clock.

7 THE WITNESS: Merci.

8 *(Closed session at 12.15 p.m.) Reclassified as Open session

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

10 (The witness stands down)

11 THE COURT OFFICER: All rise.

12 (Recess taken at 12.16 p.m.)

13 *(Upon resuming in closed session at 2.10 p.m.) Reclassified as Open session

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

15 PRESIDING JUDGE STEINER: Good afternoon and welcome back.

16 I ask, please, court usher to bring the witness in.

17 (The witness enters the courtroom)

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

19 (Open session at 2.13 p.m.)

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

21 PRESIDING JUDGE STEINER: Thank you.

22 Mr Witness, good afternoon.

23 THE WITNESS: (Interpretation) Thank you, your Honour.

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

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Private Session)

ICC-01/05-01/08

1 THE WITNESS: (Interpretation) I was able to rest, indeed, your Honour.

2 PRESIDING JUDGE STEINER: Were you given the glasses you wanted to protect
3 you against the wind?

4 THE WITNESS: (Interpretation) Your Honour, indeed, yes, that was done and
5 that's what I have for my eyes. I'm not actually wearing them, because right now I
6 have the headset on.

7 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?

8 THE WITNESS: (Interpretation) Your Honour, I am quite ready and willing to
9 answer the questions.

10 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. I'll give back
11 the floor to the Defence. Mr Haynes, you have the floor.

12 MR HAYNES: Thank you very much, your Honour, and good afternoon.

13 Q. And good afternoon to you, sir.

14 A. Thank you, Counsel.

15 MR HAYNES: Can we go briefly into private session, your Honour, please?

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

17 *(Private session at 2.16 p.m.) Reclassified as Open session

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

19 MR HAYNES: Thank you.

20 Q. Sir, we were talking before lunch about a document which recorded items
21 stolen from the home of (Redacted) do you remember?

22 A. I haven't forgotten it, and I'm waiting to answer your questions about that.

23 Q. Sir, would there be any truth in the suggestion that you wrote that document?

24 A. I think I've told you that I took note of the state of the house belonging to
25 (Redacted) He is the only person who knew exactly what items had been

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 looted; the beds, the kitchen utensils, the bicycles. (Redacted)

2 (Redacted) to be a witness

3 to what had happened because (Redacted) and

4 so he drew up a list, an inventory of various items that had been stolen. (Redacted)

5 (Redacted) to what had happened. He told me that he intended to file a complaint,

6 and so that is why he drew up that inventory. He did it himself. I don't know whether

7 it was his son or his brother, but (Redacted)

8 Q. Do you know why he required that document on 5 February 2009, over six

9 years after his house had been pillaged?

10 A. I believe there was a reason for that. After the events, why did he not draw up

11 a list? Why did he wait? I believe I've told you that he was the person who wrote

12 the document. Once OCODEFAD asked for a list, or an inventory of items that had

13 been looted as of that time, and I think I've told you this, it was thanks to

14 OCODEFAD we were asked to come forward. (Redacted)

15 (Redacted) which he provided to OCODEFAD and officials from the Court went on a

16 mission and they were given this document -- these documents. They were -- it was

17 said "Here is this list," or this inventory "of various items looted," and the document

18 in question was added to the case file. I believe that OCODEFAD served as a guide,

19 so to speak, or registered the victims. That is why (Redacted) submitted this document,

20 and (Redacted) I was there. At the time of the events

21 I was in the neighbourhood, so I was able to observe all of that. I don't see why this

22 should be a problem.

23 Q. Sir, you weren't then aware that two days later, on 7 February, (Redacted)

24 (Redacted)

25 A. No. No, I believe -- that's not the procedure that is followed during an

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Private Session)

ICC-01/05-01/08

1 investigation. It's not done publicly; I think it's done individually. The various
2 people were contacted individually. It was not necessary to take a whistle and let
3 everyone know in all the villages that an investigation was underway, it was done
4 individually in an entirely confidential manner, and (Redacted)
5 (Redacted) a file was drawn up and
6 the file was transferred to the Court. I believe that the investigations are done in a
7 very low-key fashion.

8 MR HAYNES: Thank you. I think we can now go into open session, your Honour.

9 PRESIDING JUDGE STEINER: Before that, Maître Badibanga?

10 MR BADIBANGA: (Interpretation) Yes, your Honour. I'm sorry but I do have a
11 small concern: I'm -- my point is that the witness should be asked questions about
12 something he knows, but in this particular case he's being asked about investigations
13 and really, the question was already asked and I would draw the Chamber's attention
14 to the fact that it is somewhat disturbing that Defence counsel is asking the witness
15 what day, for example, that the person -- this other person (Redacted)
16 (Redacted)
17 (Redacted) and I think really, when we consider general protection of
18 witnesses, such questions should not really be part of the Defence's cross-examination.
19 I thank you.

20 PRESIDING JUDGE STEINER: I was about to remind Mr Haynes that since the
21 beginning of the proceedings we established a rule that we don't refer to (Redacted)
22 (Redacted) during the questioning of one witness, or to the fact that A or B is or isn't a
23 witness. In any case, Mr Haynes, do you have anything to say? Otherwise we just
24 proceed, since the question has already been put and answered.

25 MR HAYNES: Yes. I quite deliberately did not refer to (Redacted) and

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Private Session)

ICC-01/05-01/08

1 if that has been revealed it was not by me. (Redacted)

2 (Redacted)

3 (Redacted) It was simply the timing and the purpose of this man being involved in
4 drawing up this statement on this date and the significance of why it was provided
5 on that day. But I'll move on in open session, if possible.

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

7 (Open session at 2.27 p.m.)

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

9 MR HAYNES:

10 Q. Sir, can we take it that on 5 February 2009 your eyesight was sufficiently good
11 for you to ascertain that this house was devoid of contents?

12 A. Well, really, Counsel, I'll answer this question. Let me say this: Your soldiers,
13 Bemba's soldiers, were based at the Begoua school. Some of them were at the Yembi
14 1, at the centre of that place. They dug trenches from the hill to PK13, so they had
15 taken up positions in those trenches, and as soon as they broke down a door they
16 would take away the foam mattresses and they would divvy them up amongst
17 themselves, depending on how thick the mattresses were, and put them in the
18 trenches all the way to PK13, past the Boali road, all the way to the cattle market. Sir,
19 I saw all of that. How could I not see they committed many acts of violence and
20 abuse in Begoua? Counsel, I beg you, I beg of you, just put yourself in my shoes. If
21 you had experienced what Bemba's men did, the violence, the abuse, you wouldn't be
22 standing up here to say such things.

23 I tell you this once again. In Begoua, PK22, Sibut, all those towns, plus the centre of
24 Boali, Bossembélé, Yaloke, I repeat even if you want to spend an entire year here I
25 will stick to my story. Bemba's soldiers destroyed everything. I saw it. I was a

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 witness. I heard about these events. I suffered physically.

2 Why aren't you talking about what happened to me, what physically happened to me?

3 No door was spared. The doors were used as firewood. If only your house was

4 not modern, well, houses were used as latrines, as toilets. God is hearing what I say.

5 They -- if they hadn't used the houses belonging to Central African Republic people

6 as latrines, Counsel, there was violence, there was abuse, in the Central African

7 Republic. Our people were humiliated. Our towns were systematically looted.

8 Q. Yes. Well, I understand that, but what we're talking about is seven years later.

9 I don't want to mention the man's name, but you've told us you went to his house and

10 you checked what was there and what was not there; is that correct?

11 A. Mr Counsel of the Defence, I've told you a number of things here. How could I

12 not see what Bemba's men had destroyed? (Redacted) I could walk

13 around in my neighbourhood to witness what Bemba's men were doing. Even from

14 my own home I could see what they were doing, and they destroyed a lot of property

15 (Redacted)

16 A lot of witnesses, a lot of victims, came forward. Everything that you can hear is

17 the absolute truth. If an inhabitant at Sibut were to come here and bear witness by

18 saying that he fell victim to such-and-such an act of violence or abuse, then that's the

19 absolute truth and you need to believe that person. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 I don't really know what more to say. They didn't spare domestic animals. The

24 hens, the goats, even the dogs. Even the dogs. Even the dogs. They massacred

25 the hens belonging to the local inhabitants. Nothing was spared.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 I spoke to you of a Muslim, who is still alive to this day. His cows, his goats, all his
2 animals were massacred. You know, when they discovered a house that was
3 well-built and nice and comfy, that's where they established themselves. They
4 forced the proprietor out and they took possession of that building in order to
5 commit their evil deeds. I'm ready to take further questions, I'm at your avail, but
6 this is what I saw with my own eyes.

7 Q. How did you know (Redacted)
8 (Redacted)

9 A. Is -- was the person in question the sole victim? Wasn't I the eyewitness to the
10 events that occurred in the neighbourhood? Hadn't I seen Bemba's men breaking
11 down houses, doors and loot the property inside? Hadn't I seen Bemba's men
12 carrying their booty and take that booty across the river? Are you implying that
13 (Redacted) was the sole victim at Begoua? Well, there are a number of victims.
14 (Redacted) was by no means the sole person.

15 PRESIDING JUDGE STEINER: Mr Witness, I'm sorry to interrupt you. I want to
16 remind you that we are in open session, so please don't mention names, your
17 occupation, names of neighbours. Just don't forget that.

18 THE WITNESS: (Interpretation) Thank you, your Honour.

19 MR HAYNES:

20 Q. Let's leave aside this particular inventory. How is it (Redacted)
21 what is written on the inventories, (Redacted) correspond with what
22 has in fact been stolen?

23 A. Well, a victim can't lie. This victim knows. The victim is able to draw up a
24 list of the goods that was looted in his home. Are you implying that all people that
25 came -- that come here to testify didn't have any chairs in their home? (Redacted)

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 (Redacted) He had beds in his home. He had kitchen utensils. His
2 wife had clothes. His children also had clothes. Everything was looted. Are you
3 implying that before the Banyamulengue arrived (Redacted) lived bereft of all that
4 and that he slept directly on the ground? I'm at your avail to pick up on any further
5 questions you have for me.

6 Q. Sir, we are in open session and so if you can avoid mentioning people's names it
7 would be a very good idea, but I'm talking about the forms generally that you've
8 (Redacted) the many, many, many forms (Redacted)
9 (Redacted)
10 (Redacted)

11 A. It's true that I'm one-eyed - I've lost one eye following the assault that I received
12 at the hands of Bemba's men - and I would confirm the fact that I'm not educated, but
13 for all that I'm able to place a cross or make a sign that I can recognise as something
14 that I made. With my valid eye I can make an effort, I can ensure that what is
15 written is what is written, and then Bemba's men destroyed my left eye.

16 Q. Thank you. Now, were you aware during the period that (Redacted)
17 (Redacted) that people were being encouraged to exaggerate their losses on the
18 inventories?

19 A. I'm not quite certain of that. A victim cannot exaggerate the amount of
20 property that he has lost. The person - the victim - is in a position to know what
21 goods were looted in his home. He can't exaggerate in order to accuse
22 something -- something -- somebody of something. In order to be compensated the
23 victim can't inflate the value of the losses that he has been subjected to, but if the
24 victim were to behave in that way, well, it's true that he's going to be paying for that
25 on the earth because God is all seeing. So it is the advice -- he would be advised to

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 properly note the real loss that he was subjected to. The Central African people
2 cannot become rich on the backs of somebody else. Every Central African
3 individual could struggle to get goods in his home. A Central African individual
4 can buy furniture with which to furnish his home and have beds in his home. It's
5 better to call God as our witness in everything we do.

6 Q. Thank you. Well, let's move on. Without being overtly specific about its
7 location, your house was on a main road, wasn't it?

8 A. I told you that (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted) and that's what I saw and I haven't come here to tell

13 you everything and anything.

14 Q. Sir, you've told us that the Banyamulengue arrived on 8 November. Can we
15 go back a couple of weeks before that date to late October? Were you aware of the
16 arrival of any other armed men in the area of your home?

17 A. Now, since my arrival here, if on the ground there had been other soldiers,
18 I would have told you of them. There weren't any other soldiers; there was only the
19 Banyamulengue on the ground. I told you that after my assault I've only got one eye
20 left, and I saw Banyamulengue patrolling, coming back, going back and forth.

21 I could see them with my valid -- with my sole valid eye. If other armed groups had
22 come, well, there would have been an armed clash but there was no armed clash.
23 They were alone to be operating in the neighbourhood, breaking down doors and
24 looting people's homes. They had total domination. With my sole valid eye, I
25 didn't see any other armed group operating in my neighbourhood. If there had been

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

1 other groups, I would have spoken of them. I saw Banyamulengue of small stature.
2 Were they children, were they school children, that they had taken with them to go
3 there? I don't know. I don't know what function that these children or men of
4 small stature were fulfilling. In Zaire, before coming here, they were masters and
5 they went from PK -- their power held sway from PK13 to PK22. In Begoua, they
6 had billeted themselves at the Begoua school. This is what I saw.

7 Q. Sir, before they arrived, no other armed men arrived from the direction of
8 Damara, based themselves at PK12 and went on to fight in the centre of Bangui?

9 A. No, no, no, no, I didn't see anything like that. But if there had been other
10 armed groups, well, why didn't the Banyamulengue clash with them? And I didn't
11 see any other armed groups. If I had seen them, I would have told you about them.
12 Why should I lie about that? It's not right to lie. If you haven't seen anything, I
13 mean, what troops are you referring to? If there had been other troops, why didn't
14 they fight the Banyamulengue? I didn't hear any rattling of gunfire following any
15 armed clash. I only saw the Banyamulengue patrolling and stripping passers-by of
16 their goods. Muslims really suffered. They were systematically searched. The
17 Banyamulengue looted them systematically, took everything that they had in their
18 homes, and particularly rugs and beds. Muslims fled. It was just every man
19 himself among the Muslims. Thank you very much for putting that question to me.
20 They behaved extremely badly towards the Muslims. Nobody could live at Begoua,
21 be they Muslims or non-Muslims for that matter. I was eyewitness to one incident.
22 A Muslim was going by and a Banyamulengue laid a trap for him. Somebody asked
23 him, he asked the Muslim for change and the Muslim brought out a lump, a wad of
24 notes, and immediately they took that wad of notes from that Muslim and told him to
25 go off. You know, Counsel, I'm here at your avail. I can answer any questions you

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 wish to put to me and I will give you the answers to those questions.

2 Q. So you neither saw nor heard any armed combat in Bangui; is that correct?

3 A. Well, if there had been events such as these in your neighbourhood you would
4 know about them, but the first people that occupied the neighbourhood, it was those
5 very people that crossed over. I can only talk about the Banyamulengue in this
6 respect, but if you know the name of other troops that had occupied the locality, well,
7 then you can tell me, but the Banyamulengue had occupied the entire locality, right
8 the way up to PK13 and PK22. With whom had they clashed? Had there -- were
9 there other troops operating on the ground? Well, if there were, tell me of them. I
10 don't know of any. I only saw the Banyamulengue.

11 Q. You heard no gunfire, no rocket-fire, no bombs dropping?

12 A. Let me just reiterate: When you talk about "bombs," where did those shells or
13 bombs land? I haven't heard anything about that. Who occupied the
14 neighbourhood to be shelled or bombarded?

15 Q. You saw no aeroplanes in the sky?

16 A. I don't know. Maybe that plane came from elsewhere. Personally, I didn't
17 see any aircraft flying in the sky; I only saw the Banyamulengue that were occupying
18 the locality and at that particular point I was -- I took shelter at Gobongo and that's
19 what I saw.

20 Q. Sir, what might have given your neighbours the impression that you left
21 Begoua at the first sign of gunfire?

22 A. As I've told you, and I'll -- with your leave, I will reiterate this fact: My sister
23 was killed. It was easy to believe that I was going to be the next victim. After
24 burying my sister I went to PK22. I thought that peace had returned and so I
25 returned home and I was raped, myself and my wife. Why should I have stayed?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 So I went off to Gobongo once again. After having seen my sister being killed, after
2 having been raped, why should I stay in my home? And that's why I went off again
3 to Gobongo where I spent three months.

4 Q. Sir, has your wife filled in a victim's application form?

5 A. Yes, she did indeed fill out a form and she communicated to Mrs Sayo.

6 I believe that the dossier is currently at the Court. I know that that dossier was
7 handed on to the Court, or that's my belief, or that's my firm belief.

8 Q. And do you recall that she did that on 28 February of this year, 2011?

9 A. Counsel, I have already told you that we weren't told all about this in time.

10 We -- our awareness wasn't raised in sufficient time, and it was thanks to
11 OCODEFAD that we were informed about the dossiers that could be established,
12 drawn up, and it was from that point in time that we started putting together our
13 dossiers. But well before that we had no knowledge of this, and it was only with the
14 passing of time that we were able to hear talk of the International Criminal Court and
15 it was at that particular point in time that we were able to put together the dossier.
16 And therefore, in the wake of that, my wife put together her dossier.

17 Q. And did you place your signature (Redacted) upon her form?

18 A. Well, why not, because I was eyewitness to the events that happened in my
19 presence. Your Honours of the Bench, do you understand -- I mean, what's he
20 trying to say, your Honour, to me here and now? I put my signature and I -- on the
21 paper, and I (Redacted) the paper and right up until this present day my wife suffers.
22 She suffered an operation. She's suffering as we speak. She doesn't have any food.
23 She doesn't have the financial wherewithal. If only she wasn't disabled, then she
24 could get involved in a trade, but now she is disabled and we can even imagine her as
25 dead. And I'm entitled to complain and ask why? And I'm entitled to ask for

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 explanations. Why were men sent to rape her? I did put my signature on the
2 document. I saw that and I was an eyewitness to that. I can't abandon her.

3 Q. Are you familiar with what she said in this complaint?

4 A. Counsel, I don't know what that question is all about. You're asking me
5 whether I don't know what happened to my wife? Your wife, your better half, I was
6 right there and the complaint was made against Bemba. He has to explain why he
7 had men cross the river to rape my wife. We are entitled to explanations. Why was
8 she raped? Yes, a complaint was filed. As her husband, how could I not know
9 what had happened, everything that she was subjected to? Counsel, she is suffering.
10 I think that I am the only person -- with the little financial means that I have, I'm the
11 only one who can help her. No one else intervened. No one else is helping. In
12 my opinion, this question is really not -- Counsel, this question, this was really
13 insulting. I'm very insulted.

14 MR HAYNES: Well, I'm going to remind you about what she said in her complaint
15 and see if you can explain it for us.

16 Your Honour, I appreciate technically he doesn't have a right of audience, but would
17 you mind if Mr Maton read the French, which is Defence document 87, at page 3,
18 rather than me?

19 (Trial Chamber confers)

20 PRESIDING JUDGE STEINER: Mr Bifwoli, any comment?

21 (Prosecution counsel confer)

22 MR BIFWOLI: Your Honours, the Prosecution does not object, save that in doing so
23 the Defence takes into account the security concerns. That's all.

24 PRESIDING JUDGE STEINER: Mr Haynes --

25 MR HAYNES: Your Honour.

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: -- it's taking care with the reading of some parts that
2 could not be read in public session. On an exceptional basis, since Maître Kilolo is
3 not present, the Chamber allows your assistant to read the document.

4 MR HAYNES: I'm very grateful, your Honour.

5 MR MATON: (Interpretation) "... 2002, at 4 in the afternoon, armed men, the
6 armed men of Jean-Pierre Bemba, came to my home with weapons of war in their
7 hands. They were wearing military uniforms. They shot -- they fired a number of
8 shots into the air and panic ensued. My husband and children were able to flee
9 without any items. They stopped me and they slept with me. There were five of
10 them who slept with me. At the same time, others looted the various possessions
11 inside my house. They freed me. They stayed in the house for five months."

12 MR HAYNES:

13 Q. Sir, is it correct that you left your home with your children without even
14 pausing to pack a case on 26 October?

15 A. I think I've said several times that we did not take any of our personal
16 possessions, not a single one.

17 Q. But did you leave your wife behind?

18 A. That happened to us, that we were together. You see, she is a woman. She
19 must have said something a bit different in the statement. Together we were
20 subjected to the violence and abuse. It was only after that we met up again in
21 Gobongo -- that we went to Gobongo.

22 Q. So let me be clear what you're now saying. Did you leave with your children
23 and leave your wife behind in Begoua?

24 A. To tell you the complete and utter truth, let me say this. At the time of the
25 events, we were subjected to the violence and abuse the same day. We fled the same

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 day. You see, she's a woman. Regarding the death, the murder of my sister, I
2 asked her to leave with the children and each person went in one particular direction.
3 We were able to meet up again in the bush, because -- well, we asked, "Who's here?
4 Who's there." We took a short-cut to get to Gobongo neighbourhood. We got to
5 Gobongo and we came back. After those events, we left again to go to Gobongo.
6 I believe that certainly, given what she was subjected to, this discrepancy in the
7 statement can be explained.

8 Q. Was your house occupied for five months?

9 A. Let me make this point once again. She's a woman. I am the man. I know
10 when the events occurred. She, I'm not so sure that she remembers.

11 Q. Well, one thing that she remembers is that at 4 o'clock in the afternoon, on the
12 day that the troops of Jean-Pierre Bemba arrived, you left. Is that right, or is that
13 wrong?

14 A. That's not right. She mustn't recall everything. She must not recall
15 everything. At that particular time, my wife was in the kitchen and I was sitting
16 underneath a mango tree. You see, she's a woman. She must have been stunned.
17 She doesn't remember anything. She doesn't remember the details. I am her
18 husband. I am her spouse. I have full knowledge of the details. If I wasn't there,
19 well, why would she -- why would she have not put that on the piece of paper? She
20 was raped and she confirmed that she had been raped. Certainly she no longer
21 recalls the date or the details, the date, the particular day. If she had said that she
22 had not been raped perhaps you might take me for a liar then, but she was raped and
23 after that she must have been somewhat stunned and did not recall the various
24 details and the date. This is my wife. This is my spouse we are talking about.

25 Q. What did you mean when you said a little while ago that you and she met up

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

1 again in Gobongo?

2 A. I said that we left PK22. You see, after the burial of my sister, I followed them
3 to PK22 because there were threats. I found them at PK22. At the same time we
4 came back to Gobongo, taking a path that went through the bush, and after Gobongo
5 we came back to the house and that was when we were assaulted, sexually assaulted,
6 and after that assault I decided that we would go by way of the hill before going back
7 to Gobongo. I was the -- I am her husband. I married her. I am familiar with all
8 the details. We spent three months there after the assault.

9 Q. So before you signed her form, why didn't you point out to her that she had
10 forgotten to mention the murder of your sister or your rape?

11 A. Exactly. Each victim had his or her way of giving his or her account of what
12 happened. She could not -- she couldn't speak about the events on my behalf.
13 I had my statement. Just imagine, Counsel, you want to file a complaint before a
14 Court. Are you going to ask someone else to intervene? Will someone else -- will
15 you talk about someone else in your complaint? Each victim provides his or her
16 account of the events. She talked about her particular case and I spoke about my
17 case. That's not how it happened. She was raped, abused, and it was up to her to
18 speak of that. But myself, as her husband, I too had to talk about that. If I had
19 denied that -- said that she had not been raped, you would maybe take me for a liar.
20 She had her story to tell and I had my story, or my testimony, to give. That is how it
21 happened.

22 Q. But according to her, you weren't there when she got raped; is that right?

23 A. Counsel, she is a woman. Each human being has his or her way to tell the
24 story of an event that he or she has been subjected to. I was present during the rape.
25 She has her own statement and I have my statement. Why did she confirm that she

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 had been raped? That's what I should ask you. You just read a document that she
2 wrote, and it spoke about rape. If -- if I'd not been present, how could I have given
3 testimony about it? Counsel, I was indeed present. My wife is just as illiterate as
4 I am. Perhaps she doesn't know how to tell the story of what happened. Yesterday
5 I told you right here that we were together when we were assaulted, but now in this
6 document that you read out you talked about my wife's rape.

7 Q. Well, let's have a look at some of the things you've said about it in the past.

8 MR HAYNES: And adopting the same procedure, if we may, can we look at
9 Defence document number 10, at page 9.

10 And, your Honour, I would be obliged if it could be put on the screen for the benefit
11 of the accused, who otherwise can't read the passage.

12 (Pause in proceedings)

13 Q. Sir, this is what you told Paolina Massidda, your lawyer in the Victims' Section
14 of the International Criminal Court. Would you listen carefully to what's about to be
15 read?

16 MR MATON: (Interpretation) "When I was at home in my house, the
17 Banyamulengue launched an assault on my neighbourhood. I fled and I took refuge
18 at PK22. They took advantage of this to empty my house, taking a scooter, a sewing
19 machine and mattresses. They followed us to PK22 where we had to hide in the
20 forest. I was shot in my right ankle. They shot my sister. When the
21 Banyamulengue went into my house, I was with my wives and my children. They
22 killed my younger sister who was at home with me, and they took 800,000 CFA
23 francs from her. My sister was living with me. When they killed my sister, I
24 reacted because I wanted them to kill me as well, thinking that there was no point in
25 living any longer. I was shot in the right ankle. As I fell, I struck some stones and

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 my left eye was injured. Ever since that time I have had vision problems. When I
2 look without of that eye, everything is hazy."

3 PRESIDING JUDGE STEINER: Just for the sake of the transcript, what has been
4 read is not the same as it is in the application form, but in the information
5 supplémentaire.

6 MR HAYNES: Your Honour, it's both. It's section D, paragraph 1 of the
7 application form and paragraph 2 of the section supplémentaire, which is at page 23
8 of the document.

9 Q. Sir, let's clear a few things up. You haven't actually lost an eye, have you?

10 A. Really, if I hadn't had problems with the eye, why would the doctor have
11 operated on it in Bangui? I have the medical certificate with me here. I can't come
12 here and tell a lie on behalf of someone. I have the medical certificate right here
13 with me. The doctor from (Redacted), the NGO, those doctors performed an operation
14 on me at the (Redacted) hospital. And, if you like, call the (Redacted) hospital and you
15 will learn that it was the (Redacted) doctors who did that operation on my eye. I have
16 the piece of paper here. I have it right here, right in this building. Just because I'm
17 poor, that doesn't mean I'm going to perjure myself here. Everything I've
18 said -- you've said these malicious things intentionally, but I'm putting all of this into
19 God's hands.

20 Q. When did you have the operation on your eye?

21 A. Yes. I don't really remember the date. A month ago, about a month ago, that
22 is when I had that operation. The doctors from an NGO called (Redacted) came from
23 a foreign country in order to do this operation on me. It was at the (Redacted)
24 (Redacted) I would reiterate the fact that I have the medical
25 certificate here with me. It's in the pocket, actually in my pocket.

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

1 Q. How and where did you suffer the injury which caused you to have difficulties
2 with your eyesight?

3 A. The bullet that I received, the scar is to be seen on my ankle. I suffered. I had
4 to seek treatment. I had to seek traditional medicine treatment.

5 Q. Which ankle, left or right?

6 A. The left ankle.

7 Q. And where did it happen, PK12 or PK22?

8 A. It was at PK12 and not at PK22. I think it was with all these wounds that I
9 went to PK22, and it was when we returned home, well, then that was when we were
10 raped, because I had decided just to give up on life and die because they had killed
11 my sister, but one of the soldiers asked the others not to kill me. He just fired in my
12 direction.

13 Q. And how did you suffer the injury that hurt your eye?

14 A. Ladies and gentlemen of the Court, for the last three days I know that you are
15 Judges and I can't change my story. I told you that my sister was killed, my own
16 sister, and I said to myself, "What should I do?" The soldier had a ring on one of his
17 fingers and he struck me in the eye, and he used his Ranger boots to give me -- to kick
18 me and it was the ring that caused me the wound. And today this Counsel allows
19 himself to insult me, but I forgive him. One day he will be as old as I am.
20 Everything that I've suffered at the hands of Bemba's men, I put all this into the hands
21 of God. My sister was killed and there's nobody to look after me today. Today my
22 sister is six feet under and I can't see her any more, but these -- this is part and parcel
23 of life. This type of things happen and I'll place all this at God's door. It was a ring
24 and he was wearing it on his finger.

25 Q. Why did you tell Paolina Massidda --

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Mr Haynes, could you please wait the five seconds.

2 Otherwise, even your question does not appear.

3 THE INTERPRETER: Message from the English booth: In the previous response
4 made by the witness the interpreter said, "He shot in my direction," whereas in fact
5 what the witness said was, "He shot at me."

6 MR HAYNES:

7 Q. Why did you tell Paolina Massidda that you obtained the injury to your eye
8 because you fell down on rocks, having been shot in the ankle?

9 A. (No interpretation).

10 MR HAYNES: Document 10, page 23, paragraph 2.

11 THE INTERPRETER: Message from the Sango booth: The Sango interpreters
12 didn't understand the question put to the witness by Defence counsel. Would he
13 mind repeating his question?

14 MR HAYNES: Certainly.

15 Q. Why did you tell Ms Massidda that your eye had been injured when you fell
16 down, having been shot in the ankle?

17 A. You know, these are documents that are -- that have been established, but
18 I don't think I -- I've received that version and no doubt the person made up that
19 document got it wrong because, you know, you can make mistakes. People make
20 mistakes. It could be that -- that she got it wrong in the transcription of my answer
21 made orally. Even if I had fallen, but -- well, this was because of whom that I fell?
22 If I received a blow to the eye, who gave me that blow? Well, it was the
23 Banyamulengue.

24 You can't just like that for nothing be hit by a bullet. Somebody fired the bullet,
25 somewhere or another. It's by no means happenstance. There are people who

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 perpetrate acts. There are people who were the root cause of an act. That's the
2 answer I can give you. It was the Banyamulengue, the Banyamulengue that did that,
3 because if they hadn't come to Bangui then we wouldn't have -- we wouldn't be
4 speaking about Banyamulengue and nobody would be accusing the Banyamulengue.
5 I was hit. If you're hit, well, it's because you know who hit you. If you befall an
6 accident, you know who caused that accident to happen. A victim is taken to the
7 hospital and the person who caused the accident is responsible for that. I don't
8 know any other person responsible for that. It was the Banyamulengue, the
9 Banyamulengue who -- who did everything that I suffered, me and my wife and my
10 sister. No, it's just a humiliation. I say once again, I put all this into God's hands.

11 Q. Well, I'm afraid I don't understand your answer. Are you saying you were
12 injured in the eye because you were kicked, or are you saying you were injured in the
13 eye because you fell down on stones?

14 A. Counsel, I told you that in the first instance I was hit by a bullet and that is
15 written down in the official documents. I think we did speak of wounds caused by
16 bullets, and wounds -- after the wounds by bullets I received a blow to the eye. A
17 blow to the eye was given to me and then he used his feet to kick me. Counsel,
18 really I'm not going to get riled up. Please continue to put questions to me, even
19 though your questions are insulting for me.

20 Q. And when did that happen?

21 A. The things happened, as I've already said. It was the day when my sister was
22 killed and I'm not -- I can't change story, my story, with regard to the date if my sister
23 hadn't been killed. I saw my sister being killed and therefore I tried to resist, and he
24 gave me a blow to the eye with the ring that he was wearing on one of his fingers and
25 after that he kicked me and kicked me over and over again. I think I've already said

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 this to Massidda, because in all likelihood she must have been tired. She must have
2 been working a lot. I received kicks from a person wearing Ranger boots. I've said
3 this. I'm no longer in a fit state of health, because I don't have my full sight and that
4 means I can't do any farming activities. I'm not able-bodied. I see myself as a
5 finished man.

6 Q. You've now had what you told Paolina Massidda read to you. Why didn't you
7 tell her that you had been raped?

8 A. No, I did say. Why wouldn't I have told her? I don't know how she drew up
9 my written statement in Bangui. I told her and I stand by that. I think she must
10 have got it wrong when she was taking notes. I think that statement is something
11 that was done in Bangui; it's not something that I've said now. If I -- I'm not mad,
12 I'm not going to change story based on what I -- and different from what I said in
13 Bangui. I've got all my wits about me, even though I've got one eye which -- which
14 is hazy but I think I've told everything to the Judges and I have nothing to be
15 ashamed of. I've told everything to the Judges.

16 Q. Well, again, you've had the opportunity of hearing what you said to Paolina
17 Massidda. Why didn't you tell her that your wife had been raped?

18 PRESIDING JUDGE STEINER: Yes, Mr Bifwoli.

19 MR BIFWOLI: Your Honours, I am constrained to object at this point. But what I
20 note is exactly word-by-word similar questions that were put to the witness yesterday
21 and were answered. And I am referring to transcript T-194, on page 33, line 8, "Why
22 didn't you tell Paolina you had been sodomised?" It was answered, line 14. "Why
23 didn't you tell Paolina why your wife had been raped?" It has been answered.

24 Thank you.

25 PRESIDING JUDGE STEINER: Yes, Mr Haynes.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 MR HAYNES: The difference is he's now -- yesterday he said he did say these
2 things to Paolina Massidda, now he has had what he said to her read back to him, so
3 it is a question in an entirely different context.

4 PRESIDING JUDGE STEINER: You insist in asking the witness, Mr Haynes, "Why
5 didn't you tell her that your wife had been raped?" And this is exactly the same
6 question that was put before, and I think it was put today as well, but if you insist, we
7 are going to continue in circles. It's up to you, Mr Haynes. I will allow the
8 question.

9 MR HAYNES: Thank you.

10 Q. Sir, can you explain what -- why the record of your interview with Paolina
11 Massidda, which was read back to you in Sango, contains no reference to your rape or
12 your wife's rape?

13 A. That means that everything that we said isn't true? No, I'm saying the truth.
14 If Massidda could come, well, I made all these statements to Massidda in Bangui. If
15 I hadn't done it at Bangui, then I don't think I would have been invited to testify here,
16 Counsel. If I hadn't made that statement, I wouldn't be here in the first place.
17 Yesterday I spoke openly and publicly. You've just read the statement. You
18 yourself have voiced what my wife suffered. If it wasn't in the documents that you
19 have, but you've got the documents, and it's written in those documents that the wife
20 of such-and-such was raped. And you are abreast of that, but you keep going round
21 in circles. No, counsel, if I hadn't said it to the Judges yesterday, well, you took the
22 sheet and you read out the sheet about my wife. What more questions do you want
23 to put to me? Do you want me to present to you my anus so that you can really
24 understand? Maybe you want to see it. And if you want, we can go off into a
25 private room so I can take my clothes off, maybe then that will appease you in some

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 way. I haven't anything further to add.

2 I deem this to be an insult. I'm not going to get my hackles up, I'm not going to
3 enter into a confrontation with you, but I'm just giving you the facts such as I
4 experienced them. I'll leave it up to the Court to appraise all this. I'm not here to
5 do that in their shoes, I'm not here to talk -- to be scandalous. I came here to say
6 what I suffered following the acts of violence and abuses done upon me by the
7 Banyamulengue. You didn't suffer the same violent acts and abuses. I think you
8 were very much in a safe and secure area. You weren't in Bangui. We suffered,
9 and we are now coming before justice and I find it very difficult to understand that
10 you're being insulting. I have got no problem with you, per se, and I'm making
11 myself available to the Judges and that's where I shall stop. Thank you very much.

12 Q. Sir, can you help us as to why it was not until 28 February of this year that your
13 wife filled in a victim's application form?

14 PRESIDING JUDGE STEINER: This question has also been put, but let's go. Let's
15 have it again.

16 Mr Witness, it's the Presiding Judge talking to you. The Defence asked if you know
17 why your wife filled in a victim's application form only February 2011 and not before?
18 Do you have an answer for that?

19 THE WITNESS: (Interpretation) Thank you, your Honour. Why didn't she fill
20 out that form? Well, she was ill, she was ill subsequent to what she had -- she had
21 suffered. Consequently, she wasn't able to fill out that form. And at this point in
22 time, as we speak, I can tell you that she has undergone an operation. She was
23 contaminated. There it is. That's the reason why she didn't fill out the form in the
24 fullness of time. Thank you, dear Presiding Judge.

25 MR HAYNES: Your Honour, can we conclude this afternoon in private session,

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Private Session)

ICC-01/05-01/08

1 please?

2 PRESIDING JUDGE STEINER: I thought you were going to ask can we conclude.

3 Court officer, please turn into private session.

4 *(Private session at 3.55 p.m.) Reclassified as Open session

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

6 MR HAYNES:

7 Q. Sir, (Redacted) will be (Redacted) years of age this Friday. You confirm, do you,
8 she is the mother of all your children?

9 A. Well, why can't I confirm that? She is the mother of my children who, by the
10 Banyamulengue, was considered to be a sacrifice. I paid her dowry.

11 Q. I hope you don't mind me asking, but how old was (Redacted) when you
12 married her?

13 A. When I married her, she was (Redacted) of age. And today she's (Redacted) years of age.

14 Q. Who is (Redacted)?

15 A. She's my wife.

16 Q. Can you explain why (Redacted) she was the daughter of (Redacted)
17 (Redacted)

18 A. I think it must be the person who drew up the document that must have been
19 got it wrong. That's my wife, I married her when she was 18 years of age. I raise
20 my hand, my hands towards the sky. This is my wife, and I'll say it here again.
21 There are people who can get things wrong. You need to remember but that -- that
22 with these types of things, some people do better work than others. I've got her
23 number. If you wish, I can give her number to you so that you can ring her in
24 Bangui. And then if you ask who is who, well, this is the answer that I can give you.
25 I'm not single. I'm not a child. This is my wife you're talking about. She is at

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 home now and she's looking after my children. I'm an adult man. I can't lie. I
2 married her when she was 18 years of age and I've looked after her right the way
3 until now. And I'm not a child, Counsel. Really.

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

5 (Open session at 3.59 p.m.)

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

7 PRESIDING JUDGE STEINER: Mr Witness, it's enough for today. It has been a
8 long day. We will adjourn. We hope you have a good night, you can rest. We
9 will resume tomorrow morning at 9.30 in the morning.

10 THE WITNESS: (Interpretation) Thank you very much, your Honour. May God
11 bless you. May God give you the necessary wisdom to carry out your task. I thank
12 you.

13 PRESIDING JUDGE STEINER: Thank you, Mr Witness. I'm informed that
14 tomorrow the Chamber will sit in Courtroom 2, so at 9.30 in Courtroom 2.
15 I thank very much Prosecution team, legal representatives of victims, the
16 Defence team, Mr Jean-Pierre Bemba Gombo. Thanks to our interpreters and court
17 reporters.

18 We will adjourn for today and resume tomorrow morning at 9.30 in Courtroom 2. I
19 ask, please, court officer to turn into closed session for the witness to be taken outside
20 the courtroom.

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

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

23 (The witness stands down)

24 THE COURT OFFICER: All rise.

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

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 RECLASSIFICATION REPORT

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

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

4 version of the transcript with its redactions becomes Public –

5