

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 International Criminal Court

2 Trial Chamber III - Courtroom 2

3 Situation: Central African Republic

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

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

6 Judge Kuniko Ozaki

7 Trial Hearing

8 Friday, 2 December 2011

9 (The hearing starts in open session at 9.36 a.m.)

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

11 Please be seated.

12 THE COURT OFFICER: Good morning, your Honours, Madam President. We are

13 in open session.

14 PRESIDING JUDGE STEINER: Good morning. Good morning. Could, please,

15 court officer call the case.

16 THE COURT OFFICER: Situation in the Central African Republic, in the case of The

17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.

18 PRESIDING JUDGE STEINER: Thank you very much.

19 Good morning and welcome Prosecution team. I see that Maître Badibanga is today

20 leading the Prosecution team. Good morning legal representatives of victims, the

21 Defence team. Good morning Mr Jean-Pierre Bemba Gombo. Good morning to our

22 interpreters, court reporters.

23 We will continue today with the questioning of Witness 69 and, before I ask the court

24 usher to bring the witness in, I would like to ask Mr Haynes whether Mr Haynes has

25 any estimation to give to the Chamber in terms of length of the remaining

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1 questioning?

2 MR HAYNES: I always hesitate to express views on this topic with certainty, but the
3 Defence will finish this morning.

4 PRESIDING JUDGE STEINER: Thank you very much, Mr Haynes.

5 I ask, please, court officer to turn into closed session for the witness to be brought into
6 the courtroom.

7 (Closed session at 9.39 a.m.) * Reclassified as Open session

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

9 (The witness enters the courtroom)

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

11 (The witness speaks Sango)

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

13 (Open session at 9.41 a.m.)

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

15 PRESIDING JUDGE STEINER: Thank you very much.

16 Good morning, Mr Witness.

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

18 PRESIDING JUDGE STEINER: We are in a different courtroom today. You are
19 closer to the Bench, the parties and participants are closer, this courtroom is smaller
20 than the other one, but the system will continue the same. So just to let you know
21 that you are in a different room, but this is Courtroom 2. It's just smaller than the
22 other one.

23 Did you spend a good night, a restful night, Mr Witness?

24 THE WITNESS: (Interpretation) Yes, your Honour, I had a good night. I feel a bit
25 clogged up in my nose, but I'll do as best I can to answer your questions.

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1 PRESIDING JUDGE STEINER: Thank you, Mr Witness. Before you continue

2 giving your testimony, I need to remind you that you are still under oath. Do you

3 understand that?

4 THE WITNESS: (Interpretation) I fully understand, your Honour. I will keep that

5 top of mind.

6 PRESIDING JUDGE STEINER: I also want to remind you that you are under

7 protective measures, that your voice and image broadcast outside the courtroom are

8 being distorted so that the public outside this courtroom cannot identify you, but

9 please bear in mind all the time that when we are in open session you should not

10 mention names of friends, neighbours, other victims, and you should not mention

11 your occupation. If need be, we go into private session. Is that fine with you, sir?

12 THE WITNESS: (Interpretation) That suits me fine, your Honour. I am before

13 you now and I'm ready therefore to comply fully with the proceedings.

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

15 the floor to the Defence counsel, Mr Haynes. He will continue questioning you.

16 Mr Haynes, you have the floor.

17 MR HAYNES: Thank you, and good morning to everybody in Court.

18 QUESTIONED BY MR HAYNES: (Continuing)

19 Q. And in particular, sir, good morning to you.

20 A. Good morning, Counsel.

21 Q. Sir, we are well past halfway in my questioning of you and I hope that we will

22 finish, you and I, this morning. I imagine that's good news to you?

23 A. Counsel, this is why I have come. I can only be happy about that.

24 Q. Okay, let's get started. Sir, you yourself had a birth certificate, didn't you?

25 A. Yes, I do have a birth certificate. I've got it in my bag in the waiting room. I

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1 also have my identity card with me.

2 Q. Do you keep a lot of documents at your home?

3 A. Which documents? Well, my documents are made up of my birth certificate
4 and my identity card and I always keep them within sight of me.

5 Q. Right, but do you also -- did you also keep at home things like the birth
6 certificates of your children, your marriage certificate, documents relating to the
7 ownership of your property, that sort of thing?

8 A. Well, let me repeat myself. Documents of that type are kept in a safe place and
9 these are documents that are issued by the government; documents that are very
10 important. You yourself standing before me, you have certain administrative
11 documents on your person. You can't leave these administrative documents lying
12 around in your home and you need them when you appear before the Court here.

13 Q. And who was it who first asked you to show them your birth certificate? Was
14 it OCODEFAD or was it the Office of the Prosecutor, do you recall?

15 A. Right from the outset OCODEFAD asked of me my administrative documents,
16 and subsequent to that the Office of the Prosecutor asked them of me and in addition
17 to them the police. I'm in the habit of presenting my administrative documents to
18 the police and to the gendarmerie, just to get it across to you the fact that all these
19 documents I keep on my person.

20 Q. Okay, very well. Now, do you know anything about how the system works in
21 your country for registering births?

22 A. Thank you. In the Central African Republic, when a baby is born in a hospital,
23 the hour of the birth, the time is noted down very carefully. When the mother leaves
24 the hospital the various officials or the nurses give to her a certificate of discharge and
25 it's with that discharge certificate the mother can go to the town hall to have issued

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1 the birth certificate, and the dad of that child must look after that document very
2 carefully and put it in his suitcase and when the child grows up the child will use that
3 birth certificate so that he can have an identity card drawn up for him.

4 Q. And when the birth certificate is issued by the town hall, do the town hall keep
5 a duplicate record so that the parents have one certificate, but the town hall also has a
6 record of the birth?

7 A. Absolutely, Counsel. It's in this way that things are done. After having
8 drawn up that document, a copy is kept at the town hall if the original is lost so that
9 the interested party can return to the town hall and have a duplicate given to him and
10 this is what happens at the Begoua town hall and at Bimbo.

11 Q. Thanks very much. That's how I understood the system to work. So if you
12 want a duplicate birth certificate, you go along to the town hall and you give them the
13 date of your birth and they can look back and find your birth certificate. That's right,
14 isn't it?

15 A. That's exactly so, Counsel. If you lose a document, or the birth certificate, the
16 particular individual then returns to the town hall to have issued a duplicate and
17 it's -- that's how things are done. Once a child has become an adult, the adult uses
18 that particular document in order to have an identity card drawn up in his name.

19 Q. Thank you. Now, I want to turn to your sister. Please don't mention her
20 name because we are in open session, but the sister you have told us that was shot, do
21 you recall?

22 A. Counsel, the death of somebody in the Central African Republic is an event of
23 great importance and is understood to be a serious matter. You're coming back
24 again and again on that particular state of affairs and I urge upon you to save me the
25 trouble of talking about this, because a number of times you've returned to the death

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1 of my sister. I'm not going to refuse, but you've put this question to me about the
2 death of my youngest sister. You've put that question to me a number of times and
3 each time I have provided you with explanations. Please.

4 Q. Well, with respect, sir, I don't believe I've put the question quite nearly as many
5 times as Mr Bifwoli did for the Prosecution, but bear with me. Are we talking about
6 your youngest sister?

7 THE INTERPRETER: Message from the Sango booth: The Sango interpreter didn't
8 understand the question put by Counsel.

9 THE WITNESS: (Interpretation) I didn't fully understand that question.

10 MR HAYNES:

11 Q. Sir, that is not your fault. It got lost in translation. I wanted to know whether
12 the lady who was shot was your youngest sister?

13 A. There are 15 of us in the family. Some died and some are still alive. Six are
14 alive. Well, there's a -- my sister is a number of those. There's one, two, three, four
15 and she features among them.

16 THE INTERPRETER: The interpreter actually is not sure whether he said that that
17 particular sister is dead or alive.

18 MR HAYNES:

19 Q. Okay, well we'll come back to that. Where was that lady's birth certificate?

20 A. Very well. If I knew that you were going to put that question to me, then I
21 would have brought her birth certificate with me here. Counsel, nobody can be born
22 without having a birth certificate. Her birth certificate is with me in Central African
23 Republic. My sister did have a birth certificate.

24 Now, as soon as a child is born at the hospital, or in a maternity ward, the child's
25 mother has a discharge certificate and then the mother has to go to the town hall to

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1 have a birth certificate drawn up for the newborn child. Nobody can exist without
2 having a birth certificate, Counsel.

3 If you would like to see the relevant birth certificate, well, as soon as I go back to the
4 Central African Republic I shall show it the representative of the Court in order for
5 him to forward this birth certificate to you. All Central Africans have a birth
6 certificate and, in the case of an accident, if you do not have an identity card it is in
7 fact the birth certificate that enables the police to identify you, or any other
8 administrative service to identify you.

9 So this document can identify the individual. This means that all Central African
10 civilian has a birth certificate that means that, if she had been alive, she could still
11 have been carrying her birth certificate around with her. However, she is no longer
12 of this world, but if you want once I return to the Central African Republic I can have
13 this birth certificate forwarded to you, but I shall repeat: She was aged 36 years.

14 Q. What was the date of birth on that birth certificate?

15 A. Counsel, if I had the birth certificate here with me, then I would have shown it
16 to you for you to be able to ascertain for yourself the date of her birth but, in view of
17 the fact that I do not have this certificate with me, how can I invent such a fact? The
18 birth certificate in question is back home in my house, and I promised you that once
19 I had returned to the Central African Republic I would have this birth certificate
20 forwarded to you so that you can ascertain for yourself the date at which she was
21 born.

22 I reiterate: Once I return home, I shall request that the president of the tribunal give
23 me the death certificate so that I can forward it to you. You know that I am an
24 illiterate individual. However, after her death I assembled all the relevant
25 documents and I kept them in a safe place.

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1 Q. Sir, went you went to obtain her death certificate, did you take her birth
2 certificate with you?

3 A. No, I knew that she was deceased. You know, back home in the Central
4 African Republic one cannot walk around with the birth certificate of an individual
5 who has already deceased. At Begoua town hall, at Bimbo town hall, well this is
6 how things happen. Had I known that you would have needed this birth certificate,
7 I would have brought it with me.

8 When at the Begoua town hall one goes to inform of the death of an individual, then a
9 death certificate is drawn up to attest to this fact. So after the death of my younger
10 sister, I went to the town hall for a death certificate to be issued. The birth certificate
11 was at home, and I went to explain to the town hall administration services what had
12 happened and that is when the death certificate was drawn up.

13 I understand you only too well, Counsel, but let me reiterate that as soon as I get back
14 to Bangui I will do my very best to have this document forwarded to you. In view of
15 the fact that this individual is already deceased, how can I walk around with this
16 document? What is more, the individual is no longer alive to be in a position to
17 walk around with her birth certificate in her pocket. So the objective of a death
18 certificate is to attest that -- to the fact that a certain individual is already deceased.

19 Q. Sir, I just want to clarify something with you that you said when you were being
20 asked about this certificate by Mr Bifwoli. What was the involvement of Mrs Sayo in
21 you obtaining a death certificate for your sister?

22 A. Counsel, you are right to put this question to me, but I find that this question is
23 not all that welcome. It is not Madam Sayo who suggested that I go and request this
24 death certificate. When I needed to visit Mrs Sayo, of course it was advisable that I
25 get hold of this death certificate.

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1 Let me put a question to you, Counsel. Had I not had a death certificate issued, how
2 could you yourself understand that what I am saying to you is the truth? What
3 would have proven it? This is why I have done my level best, or I did my level best,
4 in order to obtain this death certificate. You yourself have just put questions to me
5 on the subject. You have just asked me where the death certificate is to be found.
6 Let me repeat myself: As soon as she died, I went to the town hall in order for a
7 death certificate to be issued in her name. I had this death certificate drawn up in
8 order to be in a position to send it in with the documents for the case file to the Court.
9 I presume that you do have this death certificate in your case file.

10 Q. I do. I just wanted to know, because it was a reference you made, how
11 Mrs Sayo helped you to get it, if she did?

12 A. Counsel, let me answer that question. You are seeking to establish what her
13 role was, precisely. You should know that in the Central African Republic, when
14 you institute legal proceedings following the death of your brother, you are obliged to
15 have issued or to have a death certificate issued.

16 In all or throughout all the judicial authorities of the Central African Republic, the
17 very first request that is made of a plaintiff is that they present a death certificate for
18 the individual on behalf of whom you are instituting legal proceedings, but if you do
19 not have this document in your possession it is difficult for you to win your case.
20 Today, in the Central African Republic, as soon as an individual dies you must seek to
21 have a death certificate established, especially if you intend to institute legal
22 proceedings. Without such a document, who is going to attest to the fact that your
23 brother has indeed died.

24 Q. Very well. So you went to the town hall in Begoua and you gave the
25 information that appears on your sister's death certificate; is that correct?

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- 1 A. Counsel, you are right to put this question to me. When you go to the town
2 hall, of course such a question shall be put to you. Let me tell you what happened.
3 Upon arriving, I was asked at the town hall what had happened to my sister. I
4 answered by saying that she had been shot by the Banyamulengue. This is why
5 I had come to get a death certificate with a view to instituting legal proceedings.
6 The Banyamulengue killed my sister and I would like to prosecute the perpetrators.
7 That is why I am seeking this document. My sister was killed and an important sum
8 of money, notably 800,000 francs, was taken from her person. So it was important
9 for me to see justice done. Precisely what had she done for her to live through such
10 violence, for her to be shot by the Banyamulengue?
11 When she moved around, she took risks when she travelled in the various provinces
12 and when she went to get her merchandise it was difficult for her, but she put up with
13 all of this. Unfortunately, the Banyamulengue came not only to relieve her of the
14 few possessions that she had, that is to say her money, but in addition to that they
15 shot her. It was horrendous. It was unbearable.
16 That is why I request that the Court see that justice be done on my behalf. I am
17 under the impression that you are speaking quite a lot here, but if I didn't have the
18 death certificate I'm sure that you would have asked me to present you with the
19 evidence.
20 MR HAYNES: Madam President, can we go into private session, please?
21 PRESIDING JUDGE STEINER: Court officer, please turn into private session.
22 (Private session at 10.18 a.m.) * Reclassified as Open session
23 THE COURT OFFICER: We are in private session, Madam President.
24 MR HAYNES:
25 Q. Sir, was your sister's name (Redacted)

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1 A. Thank you, Counsel. Thank you, Defence counsel for Mr Bemba. Let me
2 reiterate: Her name was (Redacted) and God is witness to this. Let me
3 repeat: Her name was (Redacted), that is my younger sister. Her father is
4 called (Redacted) and her mother (Redacted). I am her elder brother
5 and she was my younger sister. This is one and the same individual, Counsel, not
6 anybody else. She was born of the same mother and father as myself, and that is
7 why I have come today to testify before this very Court.

8 Q. Thank you. And was she born in (Redacted)

9 A. Counsel, the truth be told, my sister was born in (Redacted), as was I. Once we
10 had become adults, each of us went about living our own lives and that is why I went
11 to Bangui and she followed me. She lived with her husband, but (Redacted)
12 (Redacted) She wanted to conduct her small-scale
13 trading activities. (Redacted)
14 I said previously that she had 800,000 francs on her person and, rather than leaving
15 her behind after having stolen her money, they shot her. This is why I have come to
16 testify before the Court in order to complain about this situation. She was shot for
17 her money. I am at the Court's disposal and I am awaiting an answer from the
18 Bench.

19 Q. And was she a business woman?

20 A. I mean, really, I do not know whether he is making an effort to understand what
21 I'm saying. My younger sister was a business woman. She would go (Redacted)
22 (Redacted), which she would then sell on at (Redacted) She would go (Redacted)
23 (Redacted) that she would then bring back to sell at (Redacted) and that is what she used
24 to do.

25 Now, how had she gotten hold of those 800,000 francs? Well, it was because she was

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1 a business woman. She was (Redacted). That was something that she
2 did and you should believe me, Counsel.

3 Q. And was she born in 1966?

4 A. You should content yourself with what is written in the case file. Really, you
5 have all these documents before you. You should be happy with that. I have
6 nothing further to add.

7 Q. And did she die at 18.45 in the evening?

8 A. May I clarify that it was 8 a.m. I was sitting under the mango tree. It was not
9 6 o'clock, or 9 o'clock, or midnight. May I reiterate and may I specify that it was at
10 8 a.m.

11 THE INTERPRETER: "8 o'clock in the morning," repeats the witness.

12 MR HAYNES: I see. I think we can now go back into public session, your Honour.

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

14 (Open session at 10.27 a.m.)

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

16 MR HAYNES:

17 Q. Sir, I don't want you to repeat again the details we have been discussing, but all
18 of the details we have been discussing appear on her death certificate and do you
19 confirm that her name, the names of her parents, the place and year of her birth and
20 her profession are all accurately recorded on her death certificate?

21 A. I can confirm, Counsel, that all the information is correct. Were this not to
22 have been the case, I would not have presented the document to the Court. My
23 sister was not shot for nothing. She was still an able-bodied person. I am still
24 suffering today. She was 36 years of age. She was an able-bodied individual. She
25 was still very useful to the family. I am still suffering after her death. The

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1 perpetrators took her money. They then shot her because of this money.

2 Q. And do you confirm that all the information on her death certificate was
3 provided by you?

4 A. Let me reiterate, Counsel: Please let us talk about something else. I would
5 have told you had it -- I not been the source of that information. Counsel, I was the
6 one who provided all this information to the employees at the town hall. I have
7 come here to testify before the Court in order for a solution to be found. I cannot
8 remain resting on my laurels after my sister's death.

9 Why did she die? My sister was killed like a dog. She was a human being.

10 Whatever the conditions at the time, I must find an explanation for this. As I said,
11 my sister used to go to (Redacted) (phon) in order to buy (Redacted) and I am the
12 source of all of this information, nobody else.

13 Q. So what date did you give as the date of her death?

14 A. Counsel, please be content with what you have in front of you. You've got
15 these documents before your eyes and I've got nothing in front of me at this point in
16 time when I'm addressing the Court. You're asking me a question, but I don't have
17 anything in front of me and -- and I'm speaking without any documents to refer to in
18 front of me.

19 The day - the very day - that I went to the town hall, well, that date -- well, all those
20 dates rather were mentioned. This is the predicament I find myself in. The date at
21 which I went to the town hall, all that was written down. You've got all these dates
22 at your fingertips, Counsel. All these documents were given to you and I've got
23 nothing further to add, Counsel.

24 Q. Well, what's written on the document is (Redacted) Is that right, or is
25 that wrong?

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1 A. Counsel, let me reiterate: You've got these documents in front of you. The
2 document that was drawn up by the town hall is in front of you and that document
3 was issued at the Begoua town hall. I told the officials at the town hall that my
4 younger sister had been killed and that I needed to have a death certificate drawn up,
5 and consequently that document was issued to me and you've got that document in
6 front of you.

7 My younger sister was killed like a dog. You've got that certificate in front of you.
8 It was the state officials that issued that certificate and I knew full well why. They
9 didn't do it just for the fun of it, but is it imaginable to ask for a death certificate for
10 somebody who's still alive? I don't think so. It's because my sister was killed that
11 I had to go and get that certificate drawn up in her name.

12 Q. Sir, when you were asked what date she died upon, what did you say at the
13 Begoua town hall?

14 A. When I went to Begoua town hall, I provided the explanations surrounding the
15 circumstances of the death of my sister. Please be content with that document,
16 Counsel. The date features on that document, particularly on the death certificate.
17 It's inconceivable to imagine that you can draw up a death certificate for an individual
18 who's still alive.

19 I told the town hall officials that the Banyamulengue had killed my sister and,
20 because I wanted to institute legal proceedings against the perpetrators, I had to have
21 that document drawn up with a view to convincing the legal authorities.

22 Now, if I start recounting the circumstances of the death of my sister without
23 providing the death certificate, well, you wouldn't -- you won't believe me, and so it
24 was to avoid that that I asked for this document to be drawn up and issued.

25 Q. Sir, is the date (Redacted) a mistake on that document?

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1 A. I told you that I cannot read and write and so at that time I couldn't read and
2 understand the date that had been written on the document, but you yourself can
3 read that in order to ascertain the situation. I mean, if I knew how to read then I
4 could do it myself, but I can't read, Counsel. I can't -- I cannot read or write.
5 Therefore, I am unable to confirm whether they made a mistake, or not.

6 Q. You see, when you were asked about this during the course of your interviews
7 with the Office of the Prosecutor - and for those who want to follow it, the last four
8 ERN digits are 0021 in the English and 0476 in the French - you said "It's a mistake.
9 It should say January 2003." Is that when your sister died, January 2003?

10 A. Counsel, I've already told you that the Office of the Prosecutor investigators
11 came to Bangui to take my statement and I told the investigators that the town hall
12 officials had in all likelihood made a mistake.
13 You know, I cannot read and write and I know that you -- that you have got and seen
14 this document. And I can't lie. When the investigators came to Bangui, they saw
15 the document and it was on that basis, on the basis of that document, that they
16 imparted to you the information on that document.
17 Let me reiterate the fact: If I could read and write then I would be able to pick up on
18 the mistake at that time and demand for the information to be corrected, but bearing
19 in mind that I can't read and write the mistakes remained and the document was
20 given to the Court with that mistake uncorrected.

21 Q. Well, let me ask you something else. The other day, when you were being
22 asked questions by Mr Bifwoli - and the transcript references are in English 29
23 November, page 54, line 16, to page 56, line 10, and French page 59, line 14, to page 61,
24 line 11 - you were asked how you knew the Banyamulengue had committed crimes in
25 Damara.

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1 Do you recall being asked that?

2 A. Such a question was indeed put to me and I answered that my sister had been at
3 Damara and that she took a short-cut through the bush to come back and after that we
4 went to Gobongo and it was subsequent to that that I was able to have these
5 documents drawn up and that's what I said and that is my statement that I stand by.

6 Q. Yes, but actually what you said was your youngest sister lived in the centre of
7 Damara and she was forced to flee via the bush in order to arrive at Bangui. Is that
8 the same girl you were talking about?

9 A. No, Counsel. Well, what have I just told you? What did I tell you earlier on?
10 Now, brothers and sisters, well, all of us 15, 15 siblings, and today there are only six
11 of us alive. After the murder of my sister - after the murder of my sister - well, that
12 reduces the number to five. And when the assailants went to Damara, she was
13 frightened and so she decided to take a short-cut through the bush in order to reach
14 Bangui and, once she arrived at Bangui, then I took her to my -- to my younger
15 brother who is at Gobongo and then I sought shelter with her.

16 Q. Sir, when did the Red Cross disinter your sister's body?

17 A. A long time ago. The Red Cross did that across the entire area. The Red
18 Cross exhumed, disinterred, all the bodies that had been buried during the events in
19 question in the vicinity of Begoua, the locality of Begoua. They had particular
20 equipment, bags, body bags, with a zip and they put the disinterred bodies in those
21 bags and that's all I saw.

22 Q. The body was originally buried in your compound, was it?

23 A. No, Counsel. The day before last, right up 'til now, I keep on saying the same
24 thing. Counsel, I've told you a number of times that she was buried just next door to
25 the house, and when peace was restored the Red Cross came. They had body bags

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1 and they also had equipment to stop being infected by these decomposed bodies and
2 they put the bodies into the bags that they had brought with them and then they took
3 those bodies in the bags elsewhere. They had an item of equipment that they put
4 over their nose to stop them probably being infected. The Red Cross came and went
5 all around the neighbourhood to disinter all the bodies that had been buried in that
6 area.

7 Q. And do you know where they put the body of your sister?

8 A. I really think that that is a very insulting question. It's not welcome at all, that
9 question, but I've already said that I haven't come here to insult anybody. I came
10 here to testify on what I experienced and also what happened to my sister.

11 Ladies and gentlemen of the Court, I really do think that the Defence counsel is being
12 insulting. I didn't come here to suffer such maliciousness. I can't be familiar with
13 all localities, all the localities where these bodies were finally interred. When the
14 Red Cross came, it started to try and find these various graves in order to disinter the
15 bodies.

16 Can you imagine that I'd follow them in order to see wherever they went? I really
17 think this is an irritating question. I've already told you that when they arrived they
18 disinterred all the bodies. They disinterred all the bones and they put them in these
19 body bags that they'd brought with them to then inter these remains elsewhere, but I
20 can't know the exact place where they interred finally those remains.

21 Q. Sir, do you remember a couple of days ago we were talking about the
22 conversation you had with the two female investigators in July of 2008?

23 A. How could I not remember that? If I didn't have that information, then I
24 couldn't have been invited to come here to testify to the events that occurred. The
25 investigators came to Bangui to take our statements and I've already told you that it

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1 was Paolina who took my statement. If you bring Paolina here today, well, then I'll
2 be able to recognise her and say "Well, that is Madam Paolina."

3 Counsel, if you've got nothing to say, then please move on to another topic. I've told
4 you again and again that it was Paolina who put questions to me in Bangui. She left
5 Holland to go to Bangui in order to put questions to me, and it's thanks to that that
6 you've got my written statement before you now before your very eyes. I've not
7 going to further to add. If you have any further questions to put to me, then put
8 those questions to me. I am at your avail to answer those questions.

9 Q. I'm not talking about Paolina. I'm talking about the two ladies who spoke to
10 you in July of 2008, and to jog your memory you were telling us that you showed at
11 least one of them the injury to your backside. Do you remember that?

12 A. I know them very well, very well. There were two of them. One of them
13 spoke English and the other one spoke to me in Sango. One was called (Redacted)
14 and I said, (Redacted) I know that you're an investigator." I said to her "Come,
15 come with me. I'm going to show you the wound that I sustained so you can talk
16 about it to the authorities at Court."

17 So it was indeed (Redacted) and there was an interpreter just -- just right beside
18 her. (Redacted) spoke in English and then the interpreter gave me the Sango
19 version and I insisted upon the fact that she should see with her own eyes the wound
20 that I had received, and when she did follow me to do that then I showed her my
21 anus and she did indeed see the wound because it was right and proper that she
22 should see it with her own eyes to be able to testify to the fact before the Court
23 authorities and that's what occurred at Bangui.

24 Q. Well, we may look into that, but did you also tell those two ladies about the
25 murder of your sister?

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1 A. How could I not mention it to them? If I hadn't done so, well, how could you
2 have today information pertaining to that? It's not here in Holland that I provided
3 the information to Paolina. Paolina had come to Bangui, and when I came here I
4 reiterated to the Court authorities that information. I did provide that information
5 to that particular lady.

6 Q. Sir, would it surprise you to hear that their record of your conversation reveals
7 neither you showing either of them your anus, or you telling them about the murder
8 of your sister?

9 PRESIDING JUDGE STEINER: Yes, Mr Badibanga.

10 MR BADIBANGA: (Interpretation) Your Honour, before making my statement, I'd
11 just like to bring this into private session, if you don't mind?

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

13 (Private session at 10.58 a.m.) * Reclassified as Open session

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

15 MR BADIBANGA: (Interpretation) Thank you, your Honour. In truth, I may
16 need to call upon the assistance of the Bench. I didn't wish to interrupt the
17 cross-examination by my learned colleague, and for a number of days he keeps going
18 round the same questions, "Who did you speak to?", "To whom did you provide the
19 information?", so we understand the objective here. He wants to establish whether
20 there have been any contradictions, or any omissions.

21 Now, the problem is the following, if I may say this. The witness is in a state of
22 confusion about the various people he may have met. Madam Paolina on the one
23 hand, her name was mentioned. There's also the two investigators. They cropped
24 up as well. It's worth noting that those two investigators spoke to her (sic) at a
25 particular point in time, and then after that the witness spoke to other investigators

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1 from the Office of the Prosecutor and then lastly you have just heard that he
2 mentioned a woman of the name (Redacted) So there have been a number of
3 meetings with the witness.
4 Just to set the backdrop, I would say that for a witness of this type, who has gone
5 through what he's gone through, there are also medical issues or psychological
6 assistance that the OTP has tried to set in train and these are personal interviews with
7 medical information pertaining to the witness. So when the questions are put to the
8 witness of this type, then this might generate confusions in the witness's mind and he
9 might confuse these various interviews and he might be talking about a medical
10 assistance interview.

11 And this is why I'm calling upon you at the Bench, because I think we are wading
12 through a huge amount of confusion and we are going to be wading through this
13 confusion for a while before actually -- before the witness actually provides the
14 information that Counsel is seeking for. This is the comment I wish to make.

15 PRESIDING JUDGE STEINER: Mr Haynes, unless you can answer in one minute, I
16 will give you the floor after the break.

17 MR HAYNES: Yes, thank you. I'm not going to -- well, I'm not really going to say
18 anything. I don't appreciate those sort of submissions being made in the presence of
19 the witness. I'm going to leave this line of cross-examination here but, for the
20 avoidance of doubt, the Defence will seek to defend -- will seek to tender document
21 15 into evidence and the Bench can give what weight to that record that it sees fit. It
22 plainly is a record of an interview of sorts.

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

24 (Open session at 11.02 a.m.)

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

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1 PRESIDING JUDGE STEINER: Thank you very much.

2 Mr Witness, we'll have a short break now, half-an-hour break, in order for you to take
3 some rest. It's almost 5-past-11. We will resume at 11.35.

4 I ask, please, court officer to turn into closed session for the witness to be taken
5 outside the courtroom. In the meantime, we will suspend and resume at 11.35.

6 (Closed session at 11.03 a.m.) * Reclassified as Open session

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

8 (The witness stands down)

9 THE COURT OFFICER: All rise.

10 (Recess taken at 11.04 a.m.)

11 (Upon resuming in closed session at 11.44 a.m.) * Reclassified as Open session

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

13 PRESIDING JUDGE STEINER: Welcome back. Could, please, court usher bring
14 the witness in.

15 (The witness enters the courtroom)

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

17 (Open session at 11.47 a.m.)

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

19 PRESIDING JUDGE STEINER: Thank you very much. Mr Witness, welcome back.

20 THE WITNESS: (Interpretation) Yes, hello again, Madam President.

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

22 THE WITNESS: (Interpretation) Yes, I am ready to continue with my testimony
23 and I am ready to answer any questions.

24 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. I'm giving
25 back the floor to Mr Haynes.

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1 MR HAYNES: Thank you, your Honour.

2 Q. And welcome back, sir.

3 A. Hello again, Counsel.

4 Q. Sir, did soldiers come to your house on the same day that they arrived in the
5 area of Begoua?

6 A. It was on the day after they arrived in the neighbourhood. It was the day after.

7 Q. Okay. And those soldiers that came to your house, were they wearing military
8 uniforms?

9 A. Let me reiterate: I believe you will be putting this question to me 50 times, and
10 I will tell you that these are the troops of your client. They were at Begoua school.
11 They arrived and they occupied Begoua school, and then they deployed throughout
12 the neighbourhood. They started to dig trenches and, after having dug these
13 trenches over an extensive distance up to PK13, they redeployed in the
14 neighbourhood and they started breaking doors down. They would take anything
15 that they came across and they were particularly looking for foam mattresses, so one
16 would wonder whether they had actually foam mattresses back home in their
17 country?

18 When they took these mattresses, they would then divide them up and they would
19 lay them down in the trenches. They were laid out in the trenches and they lined the
20 trenches at a certain depth. It was like a tomb, so they were waist high and the
21 mattresses were laid out in the trenches. That's what I saw, and there were many of
22 them.

23 So it wasn't only one or two individuals. There were many soldiers. They had
24 entirely occupied Begoua neighbourhood, up to PK13. They were present
25 throughout the Begoua neighbourhood, up to Damara road and Boali road. So there

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1 wasn't just one or two of them. There were groups of soldiers present. That's what
2 I saw, Counsel, and they were in military garb. They were armed with rifles, with
3 two or three magazines. These magazines were attached to the weapons they were
4 carrying. They were short, and even if some of them were tall or taller, whatever the
5 case may be these soldiers really looked like they were pupils. I wasn't in a position
6 to know where they hailed from, what their origins were, but there were children and
7 they were quite -- and there were also quite some portly men wearing military
8 uniform that was green in colour. So, Counsel, I saw soldiers wearing military
9 uniforms.

10 Q. Sir, and were they wearing green berets, the men that came to your house?

11 A. Yes, they were wearing green berets that were the same colour as the military
12 uniforms that they sported. I even saw some with two or even three weapons,
13 which they were wearing across their shoulders, and their magazines were in the
14 pockets of their uniforms. That is what I saw. They were in military uniform and
15 these uniforms were green in colour, as were the berets they were wearing.

16 Q. Sir, and did the berets have a band, or bands, around them?

17 THE INTERPRETER: Could you please repeat the question, please? The
18 interpreter didn't hear it.

19 MR HAYNES: Yes, certainly.

20 Q. Did the berets have a band around them?

21 A. Yes, some did have bands. These were apparently large bands that had knots,
22 or brims. These were military hats. They weren't ordinary hats. They were part
23 of the military uniform. They were, as I said, in military uniform and they were
24 armed and at no moment in time did they put their weapons down. They would
25 spend the night in the trenches; the very trenches that they had dug from the bottom

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1 of the hill up to PK13. They had taken up position in those trenches.

2 Q. Thank you. One of the soldiers who came to your house spoke to your sister
3 and said, "You pretend that you don't have money, but what is that?" Do you
4 remember that?

5 A. No, not at all. When they came to my house, they didn't talk to her. She was
6 walking, or bringing, her merchandise out of the house, and she had placed it at the
7 threshold of the house. She was readying herself to carry the bag of (Redacted) in order
8 to place her wares in the bowl and take it to the market.

9 Now, they noted that she had money on her, wads of notes, and then they
10 approached her and they took the sum of money off her. So of course she was
11 entitled to be angry in such a position and, when she resisted, one of the soldiers
12 pushed her to the ground and opened fire. She received a bullet to the head and the
13 contents of her skull were strewn across the ground. Her brain matter was reduced
14 to smithereens.

15 Q. Sir, I'm going to read something to you that you said during the course of your
16 recorded interview with the Office of the Prosecutor. For those following in English
17 they need to look at the last four digits 0019, and for those following in French 0474.
18 What you said was, "My sister was a trader. She used to sell (Redacted) at the
19 marketplace. That day, she took the (Redacted) out in a big container. The
20 Banyamulengue saw it and they believed that she had a lot of money. Then they
21 asked her to give them the money, but she said she did not have any. One of the
22 Banyamulengue seized her and searched into her clothes and found the money. She
23 tightened around her waist and took it, and then he said, 'You pretend that you didn't
24 have money, but what is that?'" Is that what one of them said?

25 A. That is indeed what he said. When he pushed her to the ground and when he

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1 took the money off her, he then shot her.

2 Q. And for you to understand that it must have been said in Sango, mustn't it,
3 because that's the only language you speak?

4 A. Counsel, dear Counsel, I'm telling you they spoke in Lingala. They didn't
5 speak in Sango. I don't understand Lingala. If I did understand Lingala, I would
6 have said so. That's their language. I don't understand their language. I only
7 know that my sister was pushed to the ground, I know that the money that my sister
8 had on her was taken from her and after that they left.

9 Q. Well, let me read you something else you said to the investigators during your
10 interview, and for those following in English this is the foot of page 0018 and for
11 those in French 0473. The investigator asked you: "When he said 'Kill him,' what
12 language did he speak?" And you said: "He said it in Sango." Is that right?

13 A. No, no, no, no, I think there must be a mistake with that. When she was
14 molested by them, they spoke Lingala. They said, "Yaka wa. Yaka wa," which
15 means, "Come here."

16 Q. That's the only Lingala you know, isn't it, "Yaka"?

17 A. No, that's what I heard them say and when he said that he was gesticulating at
18 the same time. There were two of them; that one and one of his companions.

19 THE INTERPRETER: Message from the Sango interpreter: Could the witness be
20 called upon to speak less quickly and to adhere properly to the five-second golden
21 rule?

22 MR HAYNES:

23 Q. Sir, why did you tell the investigators --

24 PRESIDING JUDGE STEINER: Mr Haynes, sorry.

25 MR HAYNES: I'm sorry.

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1 PRESIDING JUDGE STEINER: I thought you were going to make the

2 recommendation asked by the interpreter. Then I'll do it.

3 Mr Witness, the Sango interpreter is asking you please to speak slower. You are

4 going too fast and he's having difficulties in following what you say. Is that fine

5 with you, sir?

6 THE WITNESS: (Interpretation) I'm here to testify. You know, when the issue of

7 the death of my sister is touched upon it is something that is extremely painful for me.

8 I've experienced that and it's very traumatising, and to just stick on that topic and

9 keep asking me questions about that is irritating and that means that my hackles get

10 up sometimes.

11 PRESIDING JUDGE STEINER: We know that it must be very painful for you, but

12 you need to answer to the questions. If the questions are not relevant the

13 Chamber will intervene, but most important is that you speak slowly because we

14 need to understand each other. Can I count on you for that, Mr Witness?

15 THE WITNESS: (Interpretation) I fully agree and thank you for your advice.

16 Having said that, I do think that Defence counsel is asking me the same questions

17 about the death. Well, I think it's important to be mindful of the fact that it's difficult

18 to take on board that your own sister has died and if only he moved on to a different

19 topic. I just feel very, very saddened, but I am of course ready to fall in line with the

20 advice you've given me.

21 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

22 And, Mr Haynes, just for the record the last quotation you made from the -- from the

23 statement, it's on page 32, line 7, the French version is not page 0473, but 0474. You

24 can continue, Mr Haynes.

25 MR HAYNES: Thank you.

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1 Q. Sir, I'm going to leave this topic after this question, but can you explain to the
2 Court why you told the investigators from the Office of the Prosecutor that the
3 soldiers that came to your house were speaking Sango?

4 A. No, I think that in all likelihood there must be a mistake here. They must have
5 got it wrong. That was a statement I made and that is being referred to here.
6 My -- they called for my sister to come out of the house, they searched her clothes,
7 they took her money and they killed her. What Sango are you talking about? The
8 fact that they killed her and stripped her of her money, that's more important than the
9 Sango language. It's not because of Sango that they killed her. What's -- what's the
10 relevance of Sango in all this? Didn't they kill her? Is she alive now? Is it the
11 Sango language that is going to raise her from the dead?
12 Now, people who took my statement no doubt got it wrong. These people said
13 "Yaka wa. Yaka wa," by making gestures with their hands, but I think I'll stop at
14 that particular point

15 Q. Sir, PK13 is only one kilometre away from PK12, isn't it?

16 A. That's right. That's the absolute truth. You have to traverse one kilometre to
17 reach PK12. You have to go past the Begoua school to finally reach the centre of
18 Begoua, and at that particular point there is a cross-roads, a cross-roads of two roads,
19 one going off to Sibut and the other going off to Boali.

20 Q. Sir, and is your house on the road to PK13?

21 A. Counsel, I've told you that (Redacted)

22 (Redacted) At the cross-roads of PK12, you go towards the bottom and you can see the
23 school from the road. It was in the school's compound that they set up their base,
24 and that's where they mistreated and massacred people. They also set up another
25 base in the neighbourhood, in the trenches that they dug going down towards PK13.

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1 They had two bases. They didn't just have one base. The second base was located
2 in the neighbourhood. The first base was located at the Begoua school.

3 Q. Sir, and PK13 is where the cattle market is. That's correct, isn't it?

4 A. On the Boali road there are houses that were built and run all the way to PK13,
5 and there's even a football stadium right bang next door to the school. The Begoua
6 school is located at the intersection of these two roads; one of which goes towards
7 Boali and the other goes off to Damara. There are houses dotted everywhere, houses
8 everywhere. When you go down from the hill, you know, the entire vicinity has
9 houses over it, and the Banyamulengue took total control of the area after all the local
10 inhabitants had fled. Begoua is a very, very broad expanse and the Banyamulengue
11 took total control of Begoua. They were in great numbers, the Banyamulengue.

12 Q. Sir, were you living at PK12 when the massacre at the cattle market took place,
13 or did you hear about it afterwards?

14 A. All right, I'll repeat myself. When I came back from Gobongo, (Redacted)
15 (Redacted) from the people (Redacted) The members of the
16 families of victims (Redacted) and me myself I went
17 off to see the mass grave at PK12 -- 13, but (Redacted)
18 (Redacted)
19 (Redacted) that Miskine had committed the
20 massacre at PK13?

21 A. I didn't hear that. You know, I stand by the fact that the Banyamulengue had
22 taken total control of the locality, right the way up to the Begoua school. The
23 Banyamulengue were really responsible for the damage that they wrought over the
24 area. Miskine by that time had already left. He wasn't there at that time. When
25 Bemba's men arrived, Miskine was no longer there. If Miskine had been there,

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1 I would have known of that. I would have been told that it was Miskine who had
2 perpetrated these evil deeds. During these events, however, Miskine was no longer
3 there, he had already withdrawn, and I didn't hear talk of the fact that it's Miskine
4 that had perpetrated these evil deeds and I -- but I didn't hear that.

5 MR HAYNES: For everybody else's benefit, Defence document 15, page 3.

6 Q. When you were screened for interview by the Office of the Prosecutor, the two
7 ladies who interviewed you recorded that you had told them, "Miskine killed a lot of
8 Muslim people at PK13 and the grave is still there." Isn't that what you told them?

9 A. These events go back a long way. I can no longer remember the various
10 statements that I made. I may have forgotten one or two details. If you have my
11 written statements, well, then please, Counsel, read them out to me in order to jog my
12 memory. I'm telling you the truth. I've got nothing further to add. I no longer
13 remember certain details, because these events date back far into the past. The
14 events didn't happen today. Even it didn't date back to recent history. They date
15 back even further than that.

16 Q. Sir, do you know where Miskine's soldiers came from?

17 A. I don't know. I didn't see any such soldiers in my neighbourhood. If I had
18 seen soldiers on board vehicles, patrolling in the neighbourhood like the
19 Banyamulengue, then I would have known that, but I didn't see any such individuals
20 in my neighbourhood. I didn't see them and I'm -- I can't lie. They didn't come on
21 board vehicles and then stop in my neighbourhood and then patrol around with
22 those soldiers in my neighbourhood. No, I didn't see that and I can't perjure myself
23 here. The only people that I did see and in great numbers at Begoua were the
24 soldiers belonging to the accused person.

25 I didn't see any Miskine's men. Where did they come from? Well, I didn't see them.

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1 I'm not mad. If I had seen them, then I would have said so. I didn't see them, and I
2 stand by the fact that only the Banyamulengue were present in the field. I didn't see
3 that other gentleman in my neighbourhood, and I swear before God that I don't know
4 him.

5 Q. So it follows, does it, that you don't know what Miskine's soldiers were dressed
6 like, or what language they spoke?

7 A. Ladies and gentlemen of the Court, if I had seen them I would have said so.
8 You've asked me questions about the Banyamulengue here in this courtroom and I've
9 given you the details. I spoke of their stature, their clothes. I don't know. I really
10 don't know. I didn't see. Did they come on board big lorries? On what type of
11 vehicle they came, I don't know. I didn't see. Were they of big stature, or small
12 stature? I don't know. I didn't see. I can't make false testimony before the Court.
13 I didn't see anything of that kind.

14 Q. Sir, the day that you say your sister was shot, was that the same day that you
15 left Begoua?

16 A. Really, I ask you, Counsel, I really don't know what I can say with regard to my
17 sister's murder. I've told you that I left the place the next day to withdraw to PK22
18 with my wife, and then I -- I went to Gobongo after having spent five days at PK22.
19 That's the question and this is what I have said to this Counsel, who keeps on -- who
20 keeps on asking the same questions to me about my sister's murder. To be honest
21 with you I really have nothing more to say, but I'm in God's hands.

22 Q. Sir, did you go directly from PK22 to Gobongo?

23 A. I left PK22 to go off to Gobongo. After having spent a few days, I tried to
24 return back to my home in order to take stock of the situation to see whether calm
25 and peace had returned. Once I'd done that, I saw that peace hadn't returned and so

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1 it was at that particular point in time that we were assaulted. After that, we went off
2 again to Gobongo and that's what happened.

3 Q. Where is Gobongo?

4 A. Counsel, Gobongo is located before the PK22 -- PK12 check-point. It's on a hill.
5 There's a big market at that particular place. This is a very populated, very
6 populous area, if you go through Gobongo before you reach Yaneka (phon), and then
7 in the centre of the town the Banyamulengue didn't stop at Gobongo. They went
8 straight to where we were at PK12. No, they didn't stop at Gobongo. They
9 continued right the way through to the Begoua school, where they set up their base
10 before redeploying in the various areas of the neighbourhood right the way up to
11 PK13. They occupied the entire area up to PK13, the entire sector of PK13 and PK12.
12 They weren't in small numbers, the Banyamulengue. No, they were numerous.
13 Numerous.

14 Q. So is Gobongo closer to the centre of Bangui than PK12?

15 A. Well, Counsel, you've heard say that PK12, in other words from PK0 right the
16 way through PK12, well, that corresponds to a kilometre-by-kilometre staging post.
17 I don't know why he's asking me this question. I don't know if he's drawn up a map,
18 or any -- well, see the lie of the land basically, but the term "PK12" is self-explanatory.
19 It expresses these point-by-point, kilometre-by-kilometre. I don't know whether he
20 knows the lie of land, but if he doesn't then he just has to ask me of it. PK0 right the
21 way through PK12. Yes, it's PK12, and you know that full well, Counsel. He
22 knows that really full well. The centre of the town at PK12. They left the centre of
23 the town to go to PK12 to commit their acts of violence and abuses.

24 PRESIDING JUDGE STEINER: Mr Haynes, if you allow me?

25 Mr Witness, you know we know you are tired, but if you try to answer to the

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1 questions put by Mr Haynes in a more concise and objective way it will be easier for
2 you to conclude your testimony today.

3 And right now Mr Haynes asked you about Gobongo, not about PK12. Maybe there
4 was a problem in translation. So it was a legitimate question. He wants to know
5 which village is closer to Bangui, PK12 or Gobongo. That was the question and you
6 can answer very objectively. Please don't be upset. This is a legitimate question.
7 Is that fine with you, sir?

8 THE WITNESS: (Interpretation) Thank you, Madam President. Gobongo is the
9 locality, or neighbourhood, that is the closest to the centre of the town. It's closer
10 than PK12. I believe that the distance between Gobongo and PK12 can be estimated
11 at four kilometres, but the distance between PK12 and the centre of the town is 12
12 kilometres, Madam President.

13 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness, for your
14 clarification.

15 Mr Haynes.

16 MR HAYNES: Thank you, your Honour.

17 Q. You spent three months in Gobongo; is that right?

18 A. That is correct. I spent three months in Gobongo.

19 Q. And during that time did you ever in fact go to Boali?

20 A. Not at all. Not at all. I do not see why I would have gone to Boali. In view
21 of the situation, there were roadblocks on the road to Bossembélé, everywhere on the
22 road to Bossembélé, because at each locality that they occupied they set up
23 roadblocks. I never went to Boali during the events.

24 Q. And please don't regard this as a foolish question, but we need to have it on the
25 record. I take it you didn't go to Bossembélé, either?

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1 A. I never said that I had been to Bossembélé at the time of the events, and even to
2 date I have not been to Bossembélé. I remained at PK12, and I shuttled between
3 PK12, Gobongo and Kilometre 22. As I have already told you, I have never been to
4 Boali. I do not have any family members there.

5 Q. And after the arrival of soldiers in PK12, what according to you is the total
6 number of days you spent there?

7 A. As to the day when they arrived in PK12 locality, I think I told you that the
8 situation was unbearable. I asked my wife to go with the children to Kilometre 22,
9 and then the next day --

10 THE INTERPRETER: "At PK22," says the witness.

11 THE WITNESS: (Interpretation) -- they committed the murder upon my sister and
12 then I took the decision to leave. I then followed the members of my family to
13 Kilometre 22, where we spent five days. After those five days, we returned to
14 Gobongo with my family. I spent three months in Gobongo, so on each occasion
15 I would travel between those two neighbourhoods.

16 Q. Sir, perhaps I can put it this way. After the arrival of the soldiers, how many
17 nights did you spend in your house?

18 A. I believe that upon their arrival the entire population had sought refuge in the
19 bush. I spent only one night and the next day she was killed. After the burial I
20 decided to leave because I was frightened for my life, and then I went to the
21 Kilometre 22. As I repeat, we spent five days there and then we returned to
22 Gobongo. Upon returning to my house I was raped, because my intention was to
23 return in order to ascertain the state of affairs on location, but things were not at all
24 peaceful.

25 Q. Sir, I really don't mean to cause you unnecessary pain, but on the day that your

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1 sister was shot did anything else remarkable happen?

2 A. Well, what could I have noted that was out of the usual with the exception of
3 my sister's murder? I was angry. I requested the assistance of my neighbour.

4 After having buried my sister, I then went to PK22. There were dignitaries and, well,
5 these people had stolen a sum of money from my sister.

6 THE INTERPRETER: "And apart from that," correction from the booth.

7 THE WITNESS: (Interpretation) Apart from that, I did not notice anything out of the
8 ordinary.

9 Q. What, nothing like the visit of Mr Bemba?

10 A. I believe that I said that Bemba came and gave instructions to his men at Begoua
11 school. We were not in a position to approach Begoua school. How could a
12 civilian have gone to a military base? There was no reason to approach the soldiers
13 and put questions to them. He came to give his men instructions and then he left
14 again, after which his soldiers deployed throughout the neighbourhood in order to
15 commit violent acts. Had he been aware (Redacted) he might have
16 reprimanded his soldiers. He, or they, committed violent acts. They broke down
17 doors. They looted possessions belonging to the civilian population.

18 THE INTERPRETER: The interpreter corrects from the Sango booth: "If he had
19 been responsible."

20 MR HAYNES:

21 Q. Can you just clear up something else for me, please. When was the meeting at
22 the town hall you've told us about?

23 A. Dear Counsel, I cannot provide you with a precise date for this meeting. It
24 was some time after they arrived in the locality. However, we could not complete
25 the meeting. From the outset, the commander started to address those in attendance.

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1 He said, "I have come to conduct this meeting," and one of the dignitaries said, "After
2 you have massacred everybody?" He then got up, he was an angry man and he said
3 to his soldiers, "Yaka wa. Yaka wa," and they took their vehicles and they left.
4 And I reiterate that the Begoua school was not far afield from the town hall. They
5 crossed over and they went back to their base in Begoua school. We were not able to
6 hold that meeting, because the commander did not stay at the meeting. He got
7 upset, he called his soldiers and they went back to their base at Begoua school. That
8 is what I saw. The meeting did not really take place, as such.

9 Q. But you understood what was being said, did you?

10 A. What was being said? Well, if only the meeting had actually been held we
11 might have understood something, but as soon as he entered the room and there was
12 this incident, he got upset, he called his soldiers, they took their vehicles and they
13 went back to Begoua school. We saw them leaving. We saw them going back to
14 Begoua school, back to their base. So let us imagine that we are in the meeting room.
15 If only he had taken the floor we would have understood each other, but he didn't.

16 Q. Very well. I just want to come back to something we were talking about
17 yesterday evening. You told us at the very beginning of my cross-examination that
18 at the time you left Begoua your eldest child was 23; is that correct?

19 A. Yes, that is correct.

20 Q. So he or she is now 32?

21 A. He now has a daughter.

22 Q. And his mother is 37.

23 A. Yes.

24 Q. So if the lady you've told us is your wife is the mother of all your children, she
25 had your eldest child when she was five years old; is that right?

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1 A. How could she have been five years of age? Is that possible for a young girl of
2 five years of age to bring a child into the world? Giving birth to a child at five, well,
3 I don't really know what you're getting at precisely, really.

4 Q. Well, you help us. How old was your wife when she had your eldest child?

5 A. My wife was 18 when she gave birth to her first child.

6 Q. Then she would have to be 50 years old now, but she isn't. She's 36. Can you
7 explain that?

8 A. Yes, let me explain that to you. I had two wives. I drove one away, I rejected
9 her, and it is with the second that I am living. So the mother of that child was the
10 one that I drove away. I separated from her. She is no longer with me.

11 Q. So when you told us the other day you only had one wife and she was the
12 mother of all six of your children, that was not the truth?

13 A. That's what I told you. If she were still in my house I would say that she was
14 my wife, but in view of the fact that she is no longer present in my house she is not
15 my wife. If a wife is in your house, she is in your wife -- she is your wife. So, in
16 view of the fact that she is no longer in my house, she is no longer my wife. As we
17 are separated, I can no longer present her as being my wife.

18 THE INTERPRETER: Says the witness at great speed.

19 MR HAYNES:

20 Q. Which one of them was raped?

21 A. She is the one I am currently living with, the one I have spent 36 years with, the
22 one who underwent surgery. You can call the (Redacted)
23 (Redacted)

24 THE INTERPRETER: If the Sango interpreter heard the witness correctly.

25 THE WITNESS: (Interpretation) She is alive. She is very thin, but she is alive.

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1 MR HAYNES:

2 Q. Sir, the lady whose victim's application we were looking at yesterday, whose
3 name I'm not going to mention, is she your daughter, your wife, both or neither?

4 PRESIDING JUDGE STEINER: It's enough, Mr Haynes. The question is offensive.
5 If you could please rephrase the question in a more civilised way.

6 MR HAYNES: Yes.

7 Q. The lady whose victim's application we were looking at yesterday, is she your
8 wife or your daughter?

9 A. Some of these questions have already been put to me and you have been doing
10 this since yesterday. I believe I told you that it is my wife, the one who was raped
11 by the Banyamulengue. I do have her telephone number. If you wish, I can give it
12 to you and you can call the doctor; the doctor who operated on her. She is living
13 with me. She is suffering. We have nothing to eat and you know that surgery is no
14 simple matter.

15 I do not understand why you are insulting me in such a way, why you are making a
16 fool of me in such a way. My wife went through surgery and you are hell-bent on
17 offending me. I believe that I have come here in order to request an explanation
18 with regard to what I experienced. Whatever you say, whatever you might say,
19 justice will prevail and I am expecting an explanation from the Court. I was a victim,
20 my wife was a victim and you are continuously putting questions to me on my
21 experiences. I put myself in God's hands.

22 It is not my wife who was the perpetrator of the assault, the Banyamulengue were the
23 perpetrators, but asking me whether it was my wife or my daughter, this is ridiculous.
24 What did my daughter do? Well, you don't seem to want to recognise or
25 acknowledge what I suffered. You don't want to acknowledge the violent acts

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1 perpetrated on my wife. If you are putting questions to me like this, where are we
2 going? I'm expecting an explanation from the Court.

3 Q. Sir, did you report any of the things that happened to you to anybody in
4 authority at the time?

5 A. Well, there we go. I was talking about insults. At the time of the events,
6 Counsel, were there any policemen around? Where might we have chanced upon a
7 policeman? Bemba reigned over Bangui. We couldn't see any gendarmes around.
8 We couldn't see any policemen around. Who would have been in a position to go
9 and complain to the gendarmerie whilst the gendarmes were also fleeing Bemba at
10 the time of the events in Bangui? He was like the president of the republic, so who
11 could we turn to? Who could we report the events to? No, Counsel, I did not meet
12 any policeman or any gendarmes, and even the president of the tribunal had fled.
13 I believe I told you about two magistrates (Redacted) the
14 houses of whom were occupied and they were used as offices. Those magistrates do
15 indeed exist, and who could we have turned to inform of a tribunal or court? Who
16 was present in the courts? I mean, really.

17 Q. Thank you. And after the Banyamulengue had left the Central African
18 Republic, did you report these matters to anybody in authority then?

19 A. As I said to you, it was only Madam Sayo who had sensitised us, or raised our
20 awareness, and that is when we started to ready the various documents in order to
21 launch the process. And it was already -- and it was only because of Madam Sayo
22 that the judicial authorities were informed of our situation. As I said to you, during
23 the events there were no figures of authority, or no authorities at all, present in the
24 country. The magistrates were nowhere to be seen. There were no authorities
25 around. There were no judicial authorities present. Nothing could be done in the

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1 courts, there was nobody around and the Banyamulengues were in charge. So
2 which magistrate, or which president of the tribunal court, could have gone to an
3 office in order to field the complaints? If you had visited the place, you would not
4 be talking in such a manner today, Counsel.

5 Q. Thank you for your last answer. Sir, you've talked a great deal during your
6 evidence and during your interviews with the Office of the Prosecutor about
7 reparation and compensation. Can you give the Court some idea of the sort of sum
8 of money you're expecting for participating?

9 A. I thank you. I have lost my left eye. I shall give you a list. Please note this
10 down. I would like to receive compensation. I would like 40 million, because of
11 the eye that I have lost. My anus was sodomised and this was very destructive to
12 my person, and for this I am requesting 220 million. As for the death of my sister,
13 the murder of my sister and the looting that she experienced, I am requesting
14 60 million. For my wife, I request that she be given 56 million. She underwent
15 surgery and she deems herself to be no longer amongst the living today. That is
16 what I wanted to say.

17 I would like to express my condolences to the Judges. Only they can understand
18 and appreciate everything that we have suffered. They will be able to decide upon
19 the amount of my compensation. Bemba sent his men to mistreat us, to cause us
20 harm, to commit violent acts and abuse upon us. He is the only person who is
21 responsible. He is the one who should compensate us. That is all I have to say.

22 MR HAYNES: Sir, thank you. I have no further questions.

23 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

24 I ask whether the Prosecution intends to re-direct?

25 MR BADIBANGA: (Interpretation) No, Madam President, the witness has been

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1 quite expansive. We have no further questions to put.

2 (Trial Chamber confers)

3 PRESIDING JUDGE STEINER: Since we are not sitting in the afternoon I would like
4 to ask whether our interpreters would be available and willing to give us maybe 15
5 more minutes, because I would like to put two or three questions to the witness and
6 also I want to -- I want to say the thanks of the Court to the witness, but for that
7 I think I need maybe 15 minutes and so I'm asking the interpreters? Otherwise, we
8 suspend and resume after lunch. No problem.

9 THE INTERPRETER: Message from the English booth: We are perfectly willing to
10 provide a further 15 minutes, of course, Judge. Thank you.

11 PRESIDING JUDGE STEINER: Thank you very much.

12 Please, court officer, could we turn into private session.

13 (Private session at 1.01 p.m.) * Reclassified as Open session

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

15 PRESIDING JUDGE STEINER: Before I put my questions,

16 Mr Haynes - Mr Haynes - on page 26, lines 13/14, you mention that Defence will seek
17 to tender document 15 into evidence. My question is: Is the Defence submitting
18 the document into evidence, or not?

19 MR HAYNES: Your Honour, yes, and there was an error on the revised list of
20 documents. We were given leave to add document 87, and that should also have
21 been one which carried an indication that we wished to submit that into evidence too.
22 So it's documents 15 and 87.

23 PRESIDING JUDGE STEINER: Prosecution?

24 MR BADIBANGA: (Interpretation) In order to be sure that I am following
25 correctly, could the Defence please tell us precisely what document they are referring

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1 to, Madam President, so that I can check it on the list?

2 MR HAYNES: Yes, absolutely. That's a perfectly fair request. Document 15

3 is -- are the screening notes of this witness, and document 87 is the victim application

4 form which relates to the lady he has told us is his wife.

5 (Prosecution counsel confer)

6 MR BADIBANGA: (Interpretation) Thank you very much for your patience,

7 Madam President.

8 Now, with regard to document 15, first and foremost, these are the screening notes, or

9 the investigator's notes that we refer to as screening notes in English.

10 Our position is that, in view of what came to light throughout the witness's testimony,

11 this is a document that does not bear his signature. It is a document that has not

12 been read back to him, because this does not happen with screening notes.

13 We referred to a position that your Chamber already took in the past with regard to

14 screening notes to the extent that you said, Madam President, this was indeed a

15 summary of what the investigators had gleaned in terms of information from the

16 witness's statement and not the statement of the witness itself.

17 For all of those reasons, we are of the opinion that it is not through this witness that

18 one can request the introduction of these notes.

19 There is a Bar table motion that I cannot yet or have not yet found a translation for in

20 French, but I believe that this would be more indicated rather than through the

21 witness. But I would like to note with regard to these screening notes that they have

22 not been read back to the witness in this courtroom either, which means that he is not

23 aware of their contents, apart from the fact that mention has been made of the

24 screening notes having been drawn up. So there is no basis for adducing into

25 evidence this document via the witness.

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1 With regard to the second document, this is the victim's application form for his wife,
2 once again we would say that the marital bond between the two does not to us seem
3 to justify the fact that this document also be introduced via the witness.

4 The same Bar table motion might be appropriate, we think. His wife filled in a form
5 as a victim herself in line with her experiences. The witness is not a co-signatory of
6 this statement, unless of course you want to consider him in (Redacted)
7 but this does not as he has already explained make him a responsible individual.
8 Because he's an illiterate he is not aware of the contents of this document, and (Redacted)
9 (Redacted) to the documents that he received.

10 So we do not believe that there are sufficient grounds to tender this document
11 through the witness, so we are saying basically that we are opposed to these
12 documents being introduced into evidence via the witness.

13 PRESIDING JUDGE STEINER: Mr Haynes, one minute to reply if you so wish.

14 MR HAYNES: Absolutely. We're heading for this collision course. This is a
15 Court that admits hearsay evidence and that is the fallacy at the heart of that
16 submission.

17 In relation to the second document, the submissions that were just made are
18 inaccurate. I was very careful to take the witness through whether he knew what
19 was in his wife's witness statement and whether his signature appears upon it in part
20 as a kind of co-signatory.

21 In relation to the former, the screening notes are a record of a conversation that he
22 had with two people who can or could, if needs be, attest to the accuracy of the
23 contents of that note. In its present form it's perfectly admissible through him, and
24 you can place what weight the contents, or rather absence of contents, of that note
25 have when placed against the evidence he's given.

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1 PRESIDING JUDGE STEINER: Thank you very much.

2 Mr Witness, I have one question that I would like you -- one or two questions only.

3 They are clarifications that I need.

4 Your wife, your current wife, her first name is (Redacted) is that correct?

5 THE WITNESS: (Interpretation) Madam President, (Redacted) is the first name of

6 my deceased sister. My wife is called (Redacted) We are currently living as

7 a married couple and we are suffering in unison.

8 PRESIDING JUDGE STEINER: Sorry, it was my mistake. I wanted to say

9 "(Redacted) Yesterday when Defence asked you "Who was (Redacted)", you said that

10 (Redacted) is your wife. Is there any confusion between names here? I would like

11 you, please, to clarify to me who is (Redacted)?

12 THE WITNESS: (Interpretation) This is the same person as (Redacted). That is her

13 name, Madam President, that you have just read out.

14 PRESIDING JUDGE STEINER: Thank you for the clarification.

15 THE WITNESS: (No interpretation).

16 PRESIDING JUDGE STEINER: You said that your wife (Redacted) is illiterate, as you

17 are; is that correct?

18 THE WITNESS: (Interpretation) Yes, that is true. We are both illiterate. We are

19 merely farmers. One should not lie. When one is illiterate, one has to acknowledge

20 the fact. You can send investigators to Bangui to ascertain that both of us are

21 illiterate.

22 PRESIDING JUDGE STEINER: I'm not doubting, Mr Witness. I just wanted to

23 confirm. Do you know who filled in her application form?

24 THE WITNESS: (Interpretation) Yes, these were people who had come from the

25 Court. They helped us fill in the forms. It was Madam Paolina. Maybe this is

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1 where the mistakes came in. These forms were not filled in anywhere else. These
2 forms were filled by people coming from the headquarters of the International
3 Criminal Court.

4 PRESIDING JUDGE STEINER: Thank you for your answers, Mr Witness. Does the
5 Defence want to add anything?

6 MR HAYNES: Yes, just to clear something up. What was the name of the other
7 wife?

8 PRESIDING JUDGE STEINER: What was the name of your first wife, Mr Witness,
9 the one that you rejected?

10 THE WITNESS: (Interpretation) Well, you cannot continue to live with a wife you
11 have rejected. Her name (Redacted) I rejected her. I am no longer
12 with her and this was before the arrival of the Banyamulengue. Her name, my first
13 wife, is (Redacted) I rejected her quite some time ago. I have or I
14 live with (Redacted) We were together when the Banyamulengue came to
15 attack us.

16 MR HAYNES: And the second question, and for the benefit of your Honour and
17 your Honour's colleagues, I'm looking at document 87 and page 1, 2, 3, 4, 5 -- it's page
18 7.

19 Q. When you describe your wife as illiterate, can she so far as you are aware sign
20 and print her name as she appears to have done on the victim's application form?

21 A. That is what you have seen on this document. The signature of a literate
22 individual is different from that of an illiterate individual. Both can sign, but there is
23 a difference. You are an intellectual. You are a wise individual, Madam President.
24 You can ascertain the difference.

25 MR HAYNES: Thank you.

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

2 THE WITNESS: (No interpretation).

3 (Open session at 1.17 p.m.)

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

5 PRESIDING JUDGE STEINER: Thank you. I want to apologise to the interpreters
6 for not following my promise of 15 minutes. I think we need maybe two or three
7 more minutes.

8 Mr Witness, you concluded your testimony before this Court. Before you leave the
9 Court, the Judges would like to express the thanks for the time that you have taken to
10 come to this country and to give evidence at the trial.

11 We know that it must certainly have been inconvenient for you. The travel is long,
12 you stayed for a long time far from your home and you have some health problems,
13 but in order for the Judges to find the truth it is critical - crucial - that persons like
14 yourself are prepared to give evidence and to assist us on the relevant issues of the
15 case.

16 Therefore, you leave us to go home with our thanks. We thank you very much.
17 Before you leave, the Chamber would like to know whether there is anything you
18 would like to tell us before you leave? You have the floor, if you want to say
19 something.

20 THE WITNESS: (Interpretation) Madam President, I would like to thank you for
21 having granted me the opportunity to travel here in order to present the events that
22 occurred in Bangui to the Court and the events that occurred in Begoua.

23 I do not have much to add. The truth be told, I would like you to ask Bemba to hand
24 over to me the 800,000 francs from my sister here and now. Of course, further
25 compensation can come at a later stage.

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1 Now I need to go back to Bangui with the 800,000 francs that were taken from my
2 sister. I now consider myself to no longer be amongst the living. I need this money
3 to go and seek medical treatment. I am partially blind, I can no longer see properly,
4 my anus has been damaged and I would ask God to bless you, to grant you a long life
5 and wisdom and ask you to manage this case in the best possible way. Thank you.

6 PRESIDING JUDGE STEINER: Thank you very much. My last question,
7 Mr Witness, since you have concluded your testimony, would you like to interview
8 with your legal representative, Maître Zarambaud, before you leave? Maître
9 Zarambaud would be able to explain to you the proceedings related to reparations for
10 victims. Would you like to have a meeting with your legal representative in order to
11 obtain the information about reparations?

12 THE WITNESS: (Interpretation) Madam President, I am ready to meet with him.
13 You know, Counsel Zarambaud is Central African so he is our brother. We cannot
14 forget that fact. He hails as the same place as us, and I cannot forget that fact. He
15 has come here to represent our interests.

16 Madam President, please ask Maître Zarambaud to meet with me immediately after
17 this hearing. I would insist, however, on the 800,000 francs. I would need to leave
18 this Court with that sum of money in my pocket, and Bemba would have to hand
19 over those 800,000 francs to my counsel. I have lost my eye, my anus was
20 sodomised and further compensation will be granted at a later stage. I would
21 request that my counsel meet with me, that is Maître Zarambaud, immediately after
22 the hearing. I would ask that he approach Mr Bemba and take the 800,000 francs
23 from him. I want to be able to go back to Bangui with this sum of money in my
24 pocket.

25 So, please, I would like to meet with Maître Zarambaud immediately after the

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1 hearing. And I wonder why it is, Maître Zarambaud, that you have not tried to meet
2 with me since I've been here? Are you not my representative? I have suffered, I
3 have lost my eye, I was sodomised. So, really, this is all that I can add. I have
4 nothing further to add.

5 PRESIDING JUDGE STEINER: Mr Witness, the legal representatives or the parties
6 cannot meet with a witness before the witness gives testimony. I will ask Maître
7 Zarambaud -- if and when Maître Zarambaud is available, he will -- he's authorised to
8 meet you.

9 I would like to thank very much the Prosecution team, legal representatives of
10 victims, Defence team, Mr Jean-Pierre Bemba Gombo. To thank very much our
11 interpreters, court reporters, apologising for delaying the conclusion of this hearing.
12 We will resume on Tuesday morning at 9.30 with the testimony of Witness 219. So I
13 wish you all a wonderful weekend. Mr Witness, safe trip back to your home
14 country.

15 Court officer, please turn into closed session for the witness to be taken outside the
16 courtroom. And, in the meantime, we will adjourn to resume on Tuesday morning
17 in Courtroom 1 for the commencement of Witness 219's testimony.

18 (Closed session at 1.26 p.m.) * Reclassified as Open session

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

20 (The witness is excused)

21 THE COURT OFFICER: All rise.

22 (The hearing ends in closed session at 1.27 p.m.) Reclassified as Open session

23 RECLASSIFICATION REPORT

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

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

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1 version of the transcript with its redactions becomes Public