

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0209

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 Judge Kuniko Ozaki

6 Trial Hearing

7 Thursday, 26 May 2011

8 (The hearing starts in open session at 9.37 a.m.)

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

10 Please be seated.

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

12 in open session.

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

14 case.

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

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

17 PRESIDING JUDGE STEINER: Thank you very much. I would like to welcome the

18 Prosecution team and, since I see new faces, I would like Ms Kneuer to introduce the

19 Prosecution team.

20 MS KNEUER: Good morning, Madam President, your Honours. The Prosecution

21 is represented today by Mr Massimo Scaliotti trial lawyer, Ms Frédérique Besse case

22 manager, Mr Justin Nari, language assistant and myself Petra Kneuer, senior trial

23 lawyer.

24 PRESIDING JUDGE STEINER: Thank you, Ms Kneuer. Welcome to the legal

25 representatives of victims, the Defence team, Mr Jean-Pierre Bemba Gombo. Good

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1 morning and welcome our court interpreters, court reporters. We will start today
2 with the questioning of Witness 209. The Chamber received an update from VWU.
3 The witness is ready to start giving testimony.
4 Before we take the witness -- we bring the witness into the courtroom, the Chamber
5 has an oral decision to be issued. It's the oral decision on the applications to
6 question Witness 209 submitted by legal representatives of victims.
7 On 18 March 2011, the Chamber received an application from Maître Zarambaud on
8 behalf of the victims he represents to question Witness 209. It's filing 1343
9 confidential. The application contains a list of nine sets of questions.
10 Similarly, the Chamber received on 10 May 2011 an application from Maître Douzima,
11 on behalf of the victims she represents. It's filing 1392, confidential. The
12 application contains a list of 21 questions.
13 Having considered the reasons given by both Maître Douzima and Maître
14 Zarambaud as to why the personal interests of the victims they represent are affected,
15 the Chamber allows the respective applications to question Witness 209.
16 Turning to the proposed questions, the Chamber, with Judge Ozaki dissenting, allows
17 all the questions as set out in the aforementioned filings. However, question number
18 1 of Maître Zarambaud's list of questions should be asked in private session for
19 witness protection purposes.
20 In the view of the majority, the questions posed by the legal representatives of victims
21 to Witness 209 are relevant to the charges brought against the accused, and responses
22 by the witness may affect the interests of victims they represent. Therefore, the
23 questions are allowed.
24 The quotation of parts of written statements by the legal representatives for seeking
25 clarification from the witness is considered appropriate by the majority of the

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1 Chamber. In addition, this assists the parties and the witness to better understand
2 the context of the questions. Therefore, the majority sees no impediment for parts of
3 the statements to be quoted in court during the course of the legal representatives'
4 questioning.

5 Judge Ozaki dissents and would have rejected Maître Zarambaud's question 3.3,
6 which is speculative, question 2.3, which appears irrelevant, and questions 4, 5.1, 7.1
7 and 8 which are strongly leading since they merely request the witness to confirm an
8 excerpt from his statement. Judge Ozaki would also have rejected Ms Douzima's
9 questions 1 and 8, which appear irrelevant, and question 15 since it's out of the
10 material scope of the charges.

11 Judge Ozaki, in addition to her dissent as to the content of the questions, has a
12 separate opinion that, based on the appeals judgment, appeals judgment issued on
13 3 May 2011, filing 1386, the legal representatives' questions should have been
14 rephrased so as to avoid making express quotation from Witness 209's statements
15 where these statements are not part of the evidence in the case and encourages, where
16 possible, the use of transcript of the oral testimony before the Court. In Judge
17 Ozaki's view, such quotation from the statements would infringe the principle of
18 orality by improperly introducing the witness statement into evidence, circumvent
19 the fact that those statements are not part of the evidence and go against the
20 Chamber's preference for the non-leading questions. Judge Ozaki also notes in this
21 respect that the legal representatives are in principle not supposed to ask questions
22 pertaining to the witness's credibility.

23 Could you, please, court officer, go now briefly into closed session in order for the
24 witness to be brought into the courtroom.

25 (Closed session at 9.45 a.m.) * Reclassified as Open session

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- 1 THE COURT OFFICER: We are in closed session, Madam President.
- 2 (The witness enters the courtroom)
- 3 WITNESS: CAR-OTP-PPPP-0209
- 4 (The witness speaks French)
- 5 PRESIDING JUDGE STEINER: We can go into open session, please, court officer.
- 6 (Open session at 9.47 a.m.)
- 7 THE COURT OFFICER: We are in open session, Madam President.
- 8 PRESIDING JUDGE STEINER: Thank you. Good morning, Mr Witness.
- 9 THE WITNESS: (Interpretation) Good morning, ma'am.
- 10 PRESIDING JUDGE STEINER: You are very welcome to this Court in order to give
- 11 your testimony.
- 12 THE WITNESS: (Interpretation) Thank you for the warm welcome.
- 13 PRESIDING JUDGE STEINER: Sir, I will ask the court officer to help you in taking
- 14 the oath. The court officer will read the words of the solemn undertaking and I ask
- 15 you, please, to repeat such words.
- 16 Court officer, please.
- 17 THE COURT OFFICER: Yes, Madam President. "I solemnly declare, that I will
- 18 speak the truth" --
- 19 THE WITNESS: (Interpretation) I solemnly declare, that I shall give -- state the
- 20 truth, the whole truth --
- 21 THE COURT OFFICER: -- "and nothing but the truth."
- 22 THE WITNESS: (Interpretation) -- and nothing but the truth.
- 23 PRESIDING JUDGE STEINER: Thank you very much. Sir, now that you have
- 24 taken the oath, can I confirm that you understand what the oath means?
- 25 THE WITNESS: (Interpretation) I think that I am here before the Bench. I've

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1 given an oath to tell the truth. It's as if I have made a promise to God.

2 PRESIDING JUDGE STEINER: Thank you very much, sir. Sir, as you have had

3 explained to you by the Victims and Witnesses Unit during your familiarisation

4 process, you will be questioned first by the Prosecution, then by the legal

5 representatives of victims, Maître Zarambaud and Maître Douzima, and then by the

6 Defence.

7 As you know, the Chamber has put in place measures to protect your identity from

8 the public, and so you will be referred to during the course of your testimony as

9 "Witness 209," or as "Witness," or simply as "Sir." Your voice and your image that is

10 broadcast outside the courtroom will be distorted so that you cannot be identified by

11 the public. Sometimes we'll have to go into private sessions to protect your identity

12 and the identity of any victims that you may mention during your testimony. In

13 order for the Court to protect your identity, sir, it is important that during open

14 sessions or public sessions you don't mention any information that could lead to your

15 identification; for instance, names of family members, of neighbours, of friends, your

16 profession, your activities, the position you hold in your community. If any of this

17 information needs to be part of your answer, you just inform the Chamber and we go

18 into private session. In private session, the public cannot hear anything that is said

19 inside the courtroom. Do you understand the system of protective measures, sir?

20 THE WITNESS: (Interpretation) I understand.

21 PRESIDING JUDGE STEINER: Another point, Mr Witness: Because we speak

22 different languages, there is interpretation so that we can all understand each other.

23 Because of this, it is important that you speak slower than normal in order to allow

24 the interpreters to follow what you say and to do their job. Because this can seem

25 unnatural, it may be that you start speeding up and I will have to interrupt you to

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1 remind you to slow down again. Please don't take offence. This is purely for
2 practical purposes and should not discourage you from speaking. Do you
3 understand that, sir?

4 THE WITNESS: (Interpretation) I understand.

5 PRESIDING JUDGE STEINER: I have, finally, a few questions to put to you.

6 Witness, have you been given the opportunity to read, or have read to you, the
7 statement or statements that you made to the Court?

8 THE WITNESS: (Interpretation) I had an opportunity to read my statements.

9 PRESIDING JUDGE STEINER: At the time when you made the statement, or
10 statements, did you do so voluntarily?

11 THE WITNESS: (Interpretation) I gave the statements of my own free will. No
12 one forced my hand.

13 PRESIDING JUDGE STEINER: Is the information that you have provided in your
14 statement, or statements, true and accurate to the best of your knowledge and
15 understanding?

16 THE WITNESS: (Interpretation) I have nothing to add and I have nothing to take
17 away from my statements. Everything that I told to the Office of the Prosecutor in
18 Bangui, everything was events that I experienced, that I lived through.

19 PRESIDING JUDGE STEINER: Mr Witness, in case the parties or the Chamber
20 intend to have your statement or statements as evidence in this case, do you have any
21 objection?

22 THE WITNESS: (Interpretation) The statements made to the investigators, after I
23 re-read them, I noticed a few nuances in terms of form, but I do wish the information
24 to be placed on the case file because I gave the information voluntarily. Perhaps
25 with time I will see various details, and if there's anything that I don't recognise I will

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1 tell you so.

2 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. You are going
3 now to start being questioned by the Prosecution. I just want to let you know that if,
4 at any time, you feel tired or distressed or for any reason you need a break just let us
5 know and you will have as many breaks as you need. Is that fine with you,
6 Mr Witness?

7 THE WITNESS: (Interpretation) That is fine with me. If I run into any difficulties,
8 I will complain to the Judges as I seek a solution.

9 PRESIDING JUDGE STEINER: Thank you, sir. Mr Scaliotti, you have the floor.

10 MR SCALIOTTI: Madam President, your Honours, good morning.

11 QUESTIONED BY MR SCALIOTTI:

12 Q. Good morning, Mr Witness. My name is Massimo Scaliotti and I am a
13 representative of the Office of the Prosecutor. I will be leading your testimony in
14 court.

15 Madam President already gave you relevant information that you will have to
16 observe and take into consideration while giving your testimony. However, I will
17 add a few more recommendations. First of all, I would like to repeat to you, as
18 Madam President said, that it is very very important that we both speak slow while
19 giving my questions and you your answers, because only this way we can allow the
20 interpretation process to take place. This is something that is not easy to remember
21 when the flow of the testimony comes in.

22 I will be asking you different types of questions. Some of these questions may
23 include how do you know the facts that you will state? Please don't take this as an
24 offence. The only reason why I will be asking you these questions, "How do you
25 know the facts?", is that it is very important for the Chamber to understand your basis

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1 of knowledge of the facts that you will state.

2 Some of my questions may sound repetitive to you but, again, I would kindly ask you

3 to be patient and provide answers to those questions if you have any. The reason

4 why I may ask you questions that sound repetitive to you is that sometimes certain

5 facts need to be further clarified.

6 Another recommendation I would like to give you is please listen very carefully to

7 my questions and, when you provide an answer, focus straight on the contents of

8 those questions. Again, don't take this as an offence, but my recommendation is that

9 because if you do as I am suggesting to you this will certainly facilitate your

10 testimony and a better understanding of your testimony.

11 Furthermore, we should consider that it's not only the Prosecution asking you

12 questions, but the Defence and the participants also will ask you questions and the

13 Judges may ask you questions. Therefore, it is important that I complete my

14 questioning within the time allocated to the Prosecution.

15 It may be during the questioning that I could ask you to assist us with the spelling of

16 some names, names of individuals, names of places. And finally, of course, if you

17 don't understand any of my questions please let me know and of course I will repeat

18 that question.

19 The final point, as Madam President said, if at any point in time you feel tired or you

20 feel any kind of problem please let the Chamber know.

21 Is everything I explained to you so far clear?

22 A. Yes, it is clear.

23 MR SCALIOTTI: Thank you, Mr Witness.

24 Madam President, I think we can move now into private session for the initial

25 questioning concerning the personal information of the witness.

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1 PRESIDING JUDGE STEINER: Mr Scaliotti, I just ask you please to every time that
2 we go into private session or back into open session for you to clarify the witness the
3 meaning of that just to remind him.

4 MR SCALIOTTI: Sure.

5 PRESIDING JUDGE STEINER: Court officer, please.

6 MR SCALIOTTI: Thank you, Madam President, for your recommendation.

7 (Private session at 10.06 a.m.) * Reclassified as Open session

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

9 MR SCALIOTTI:

10 Q. Mr Witness, can you please state your full name to the Chamber?

11 A. My names are (Redacted)

12 THE INTERPRETER: From the booth, would the witness kindly repeat?

13 MR SCALIOTTI:

14 Q. Mr Witness, can you please repeat your answer, please. The interpreters could
15 not hear you.

16 A. (No interpretation)

17 MR SCALIOTTI: Well, Madam President, I apologise, but I don't have the
18 interpretation at the moment in my headphones.

19 THE INTERPRETER: Madam President, it would appear that there was an overlap
20 in the channels.

21 THE WITNESS: (Interpretation) Repeat: My family name, or surname, is
22 (Redacted) My first names are (Redacted)

23 MR SCALIOTTI:

24 Q. Mr Witness, can you please give your date of birth?

25 A. Mr Prosecutor, I was born on (Redacted)

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1 Q. Where were you born, Mr Witness?

2 A. I was born in (Redacted) commune.

3 Q. What is your nationality?

4 A. I am a Central African.

5 Q. What is your ethnic origin?

6 A. If I understand you properly, you are asking for my ethnic group. The answer
7 I can give you is that I am of the (Redacted) ethnic group.

8 Q. Yes, Mr Witness, this is what I meant and thank you for your answer. My next
9 question is are you married?

10 A. I have (Redacted)

11 (Redacted)

12 Q. Do you have children?

13 A. Yes, I have (Redacted) children.

14 Q. Mr Witness, my next question is where do you currently live, but please only
15 mention -- to answer this question only mention the town, not the neighbourhood?

16 A. I live in (Redacted)

17 Q. What languages do you speak?

18 A. I speak (Redacted), which is the language of my ethnic group. I speak Sango. I
19 also speak French. (Redacted)
20 (Redacted) I, however, do understand them.

21 Q. What education did you receive?

22 A. I went to school up to (Redacted)

23 Q. Can you please explain what does that mean? Does that mean that you
24 finished, for instance, secondary education, or you did not? Can you please explain
25 in that regard?

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1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. Can you summarise your occupations once you (Redacted)?

5 A. I held (Redacted) twice, in which capacity (Redacted)

6 (Redacted)

7 Q. Did you have any other position before being (Redacted)?

8 A. Yes. (Redacted) I held a number of positions (Redacted)

9 (Redacted) and I thought it better to work in the liberal sector than to serve as a civil
10 servant, and it is thereafter that (Redacted)

11 Q. You just said that you preferred to work on the liberal sector. Can you explain
12 what you mean by "liberal sector"?

13 A. Yes. You know that liberal professions give you a measure of freedom,
14 whereas when you work as a civil servant you are under somebody's authority, but
15 with the liberal professions one has a greater measure of freedom and advantages, as
16 compared to other professions, and this was my experience (Redacted) and
17 that is why I opted to pursue a liberal profession.

18 Q. So what did you do in the liberal sector? What profession did you have?

19 A. I worked in (Redacted)

20 Q. When did this happen? Can you remember the years in which you worked in
21 (Redacted)

22 A. I started working in (Redacted) before 1999, so before I became
23 (Redacted) I was a (Redacted), and even while I (Redacted) I continued to work as a (Redacted)
24 and this was my line of business even when I was still with my parents.

25 Q. When did you become (Redacted)

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1 A. In one of my statements, I mentioned that from 1999 to 2005 I was (Redacted)
2 (Redacted) Then from May 2005 to 2004 I was (Redacted) in those
3 successive terms.

4 MR SCALIOTTI:

5 Q. Mr Witness, with regard to the second period that you have been (Redacted)
6 (Redacted) I understood it was from May 2005 to 2004. Is my understanding
7 correct?

8 A. I did not quite understand your question. However, what I said is that (Redacted)
9 (Redacted) on two occasions. From '99 to 2004, I was (Redacted) Then, well, I
10 might be mixing up the dates, Mr Prosecutor, but what I know is that I held the
11 position of (Redacted) twice. My first (Redacted) was at the end of 1998, early '99, and
12 then I was dismissed at some point. I was (Redacted) again in 2004, I believe,
13 and -- well, maybe I need to be careful with my dates. The first time was from 1999
14 to 2004. Then, from 2004, I was subsequently (Redacted) up until 2010, if I am
15 not mistaken. The point, however, is that I held (Redacted) on two separate
16 occasions.

17 Q. Thank you, Mr Witness. This clarifies things very well. And what is now
18 your current occupation?

19 A. I work in the informal sector. Since 2010, I am no longer (Redacted) Currently,
20 I am (Redacted)

21 Q. I understand from what you said that in 2002/2003 you held this position as
22 (Redacted) Is this correct?

23 A. That is not correct. I was (Redacted) between 1999 and 2004. I was (Redacted) to
24 that position in 2005 and I held it until 2010. That is the clarification, Mr Prosecutor.

25 Q. I understand this, Mr Witness. I just wanted to focus on those two years, 2002

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1 and 2003, and ask you whether you were (Redacted) during that time?

2 A. Yes, I was (Redacted)

3 Q. Can you explain what your functions were as (Redacted) in peace
4 time?

5 A. Yes, Mr Prosecutor-General. (Redacted) is like (Redacted)
6 (Redacted)

7 (Redacted) So it was my duty to manage all those
8 things and to ensure that (Redacted)

9 (Redacted) That is the job I did
10 as (Redacted).

11 Q. Mr Witness, now I would like to draw your attention to the events that
12 happened in Central African Republic during the period from October 2002 to
13 March 2003. Was there a conflict in Central African Republic during the period that
14 I just mentioned?

15 A. Yes. When you talk about 2002 and 2003, I know that those were very difficult
16 times for the Central African Republic and the world community was fully aware of
17 that situation.

18 Q. Where were you during that time; and I mean, of course, October 2002 to
19 March 2003?

20 A. I was in the city, serving (Redacted)

21 Q. I apologise, Mr Witness, but just for the sake of clarity, what city are you
22 referring to?

23 A. The town of Damara. I said that I was the (Redacted)

24 And if I told you that I was there, well, it means that I was there in the town of
25 Damara.

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1 Q. Mr Witness, as I said, I apologise, but if I can go back to my recommendations
2 that I gave you at the beginning, this is a clear example of a situation where my
3 question can sound repetitive, but in any event I kindly ask you to be patient and
4 answer my question as I said just for the sake of clarity. I hope you understand this
5 and I hope it's fine with you.

6 A. Yes, that is fine by me.

7 Q. Mr Witness, could you keep your responsibilities as (Redacted)
8 during the period of the conflict, as you said from October 2002 to March 2003?

9 A. Prosecutor, I'd like to ask you to forgive me, because I may fall into depression,
10 because I experienced all these events. Mr Prosecutor, your Honours, from
11 September 2002 to the middle of February 2003 there was no (Redacted) in the locality,
12 because the town had been occupied by another group, an armed group, so from
13 27 October 2002 until February 2003 there was no (Redacted). There was no (Redacted) in the
14 town.

15 Q. Mr Witness, we go back later to that topic in more details, but for the time being
16 can you just explain, or mention, who is the armed group that you referred to?

17 A. In my statements to the investigators, I said that from 27 October 2002 the
18 armed group led by the current president was -- from 27 December and forward the
19 town was occupied by the MLC troops. So, you see, those were the two armed
20 groups that occupied the locality, one after another, thereby making it impossible for
21 (Redacted) of the locality to do his work.

22 Q. Thank you for this information, Mr Witness, and we'll go back later on in open
23 session to these topics. Now, I just would like to conclude with you the questions
24 that we have to ask in private sessions. So can you please tell me, if that was the
25 situation, what could you do during that time as (Redacted)?

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1 A. During those events, I was part of the civilian population. I had nothing to do
2 (Redacted). I was just like any other ordinary citizen, any other inhabitant of the
3 locality, living under the domination of these various armed groups.

4 Q. Who was the mayor at that time?

5 A. Yes, the mayor's name was Zoumandji Jean-Camille. He was 88 years old.
6 He was old and tired, and (Redacted) during the events.
7 He was just a figurehead.

8 Q. Mr Witness, now before we move to open session, or public session, I would
9 like to remind you once again of the difference between the two types of sessions.
10 We have been so far in private session, so as you could realise you were free to talk
11 without any restriction. From now on, when we move to public session, please
12 remind not to give any information that could lead to your identification. And when
13 I say "any information that could lead to your identification," I'm not referring only to
14 your name or place of residence, but for instance in particular you shouldn't make
15 any reference to your previous occupation (Redacted)
16 Furthermore, you shouldn't mention any name of victims of any crime or abuses.
17 We remind you of this once again because it is extremely important for your
18 protection and safety to avoid your identification. Is that clear to you?

19 A. Yes, Prosecutor, but I must tell you that I'm not in the habit of coming before a
20 Court and what I'm telling you is a first. You are right to remind me of this. This is
21 the first time that I've ever appeared before a court to give testimony. Generally
22 speaking, (Redacted)
23 (Redacted) so you did well to remind me of this particular point.

24 MR SCALIOTTI: Mr Witness, you are right and I understand that and I will try to
25 assist you as much as possible in that regard.

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1 Now, Madam President, we can turn to open session.

2 PRESIDING JUDGE STEINER: Court officer, please.

3 (Open session at 10.40 a.m.)

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

5 MR SCALIOTTI:

6 Q. Mr Witness, you just mentioned two armed groups that were in Damara, as I
7 understand, during the conflict. Can you please repeat the names of those two
8 armed groups?

9 A. Prosecutor, I did not come here to add anything or to take anything away from
10 things. I must tell you the truth. In 2002, 7 October, the first armed group that we
11 saw in Damara, which stayed there, was indeed the group belonging to Bozizé.
12 They were trying to take power. After their failure, they withdrew to Damara.
13 They arrived on 27 October 2002. That is what I said in my statement.
14 On 7 December 2002, the MLC group in Bangui, that group arrived from Bangui to
15 drive them out. That is what I told the investigators. First of all, there was the
16 group commanded by Bozizé and then there was the MLC from the 27th until
17 7 December 2002.

18 Q. Mr Witness, can you please -- I apologise again, and I don't want to abuse your
19 patience, but can you please clarify it again the date in which Bozizé's forces arrived
20 at Damara?

21 A. Prosecutor, I said 27 October 2002 they came from Bangui and they occupied the
22 town. They occupied the town of Damara and I would specify that it was
23 27 October 2002. That was the date.

24 Q. You also mentioned the MLC. Can you explain who were the MLC?

25 A. The MLC, as I understand it -- well, I know that they were soldiers who came

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1 from the Democratic Republic of the Congo. When they arrived on the 7th
2 of -- 27 October we knew them as rebels who had come from Zaire. They arrived in
3 Damara on the 7th, 7 December 2002. They were the ones who drove out Bozizé's
4 rebels.

5 Q. So if I understand, Bozizé's troops stay in Damara from 26 October 2002 to
6 7 December 2002; is this correct?

7 A. That is right, Prosecutor.

8 Q. Can you explain what did Bozizé's forces do before arriving at Damara on 26
9 October 2002?

10 A. Yes, Prosecutor. Bozizé's rebels wanted to take control, take power. They
11 went into the town of Bangui and they clashed with Patassé's soldiers. After trying
12 to take power in vain they withdrew to Damara, which was not far from the town of
13 Bangui.

14 Q. What did Bozizé's forces do during this time that they spent in Damara from
15 26 October to 7 December 2002?

16 A. Prosecutor, you have asked me a very good question. When they occupied the
17 town of Damara, Bozizé's rebels did not commit any acts of violence or abuse.
18 However, they did destroy various -- well, the property of the State just to upset the
19 government that was in place. That group of rebels did not rape people, or loot
20 goods. From 27 October to 7 December 2002, those rebel troops, Bozizé's troops,
21 were present but they did not commit any acts of violence or abuse when they
22 occupied the town.

23 Q. Can I ask you how you can remember so precisely these dates that you just
24 mentioned: 26 October, 7 December. How can you?

25 JUDGE ALUOCH: Mr Scaliotti, may I interrupt, I am sorry. I think the witness

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1 keeps talking about 27 October, but you ask him about 26 October. That could cause
2 confusion. He seems to be talking of 27 October, yes.

3 MR SCALIOTTI: You're right and I apologise, your Honour.

4 Q. Mr Witness, my question was: How can you recall so precisely these dates that
5 you just mentioned?

6 A. Prosecutor, in my opinion, these are historical events and, (Redacted) I have
7 to remember these dates. If I have understood correctly, it's been nine years since
8 October 2009 when I was heard by the investigators. Each time I remember I fall
9 into a depression, because I suffered many things and this has led me to remember
10 these dates very precisely.

11 Q. Mr Witness --

12 THE INTERPRETER: Correction from the English interpreter: That was nine years
13 ago, because of -- since as of 31 October.

14 MR SCALIOTTI:

15 Q. Mr Witness, you mentioned this group, the MLC. I would like you for a while
16 to focus on this armed group and give some answers on them. First of all, what was
17 the ethnic composition of this MLC group?

18 A. Mr Prosecutor, I can say that these troops were Congolese, because they spoke
19 Lingala.

20 PRESIDING JUDGE STEINER: Sorry, Mr Scaliotti.

21 MR SCALIOTTI: I am afraid that we are having a technical problem, because I think
22 that both I and the witness are not having any interpretation at the moment.

23 PRESIDING JUDGE STEINER: I think we got the answer, but in any case the court
24 officer could check.

25 THE INTERPRETER: Apologies from the interpreters. The last reply was

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1 "Mr Prosecutor, I can say that these troops were Congolese, because they spoke
2 Lingala".

3 PRESIDING JUDGE STEINER: Thank you very much to the interpreters for the
4 clarification. Mr Scaliotti.

5 MR SCALIOTTI: Thank you, Madam President.

6 Q. Mr Witness, do you know whether within these MLC troops there were
7 different groups belonging to any other specific ethnic group? I understand they
8 were all Congolese, but was there any other specific group represented in that MLC
9 group?

10 A. Yes, Mr Prosecutor, you are correct to ask that question. When they arrived in
11 Damara, I think that we co-existed with them for a month or two. I believe that there
12 were Rwandans amongst them, some people from Zaire, as well as other ethnic
13 subgroups. There were various people amongst the troops. It was a diverse group.

14 Q. Does the word "Banyamulengue" mean anything to you?

15 A. Yes, Mr Prosecutor. At that time the term "Banyamulengue" made reference to
16 a single ethnic group, but there were diverse peoples within the group. From my
17 point of view, Banyamulengue included all these various people who could be
18 described as Congolese, but you have to acknowledge that it was a diverse group,
19 from an ethnic point of view.

20 Q. What were the distinctive features of this Banyamulengue group?

21 A. Mr Prosecutor, I think that the term "Banyamulengue" is a very humiliating
22 term and it stigmatises a group. It's somewhat like the term "pygmy." You see,
23 when they arrived in the Central African Republic, Mr Prosecutor, those soldiers were
24 wearing rubber boots, clothing that was much too large for them, and that clearly
25 demonstrated that there were differences. They were all from Zaire certainly, but it

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1 was a diverse group. Let us acknowledge maybe a Congolese Ngbaka might not be
2 thought of as a Banyamulengue, because they were all farmers. They were farmers
3 who did fieldwork. They farmed, they grew beans and then they were enlisted to go
4 off and fight. So that was the explanation that was given to me.

5 Q. Who was the commander-in-chief of this MLC group?

6 A. The person who commanded the troops was Colonel Mustapha. Colonel
7 Mustapha was the person in charge of the troops in Damara.

8 Q. Within the hierarchy of the MLC group, who was above Commander Mustapha
9 that you just mentioned?

10 A. Mr Prosecutor, when you asked me the question, I -- well, you asked me a
11 question about the Banyamulengue in Damara, but it was only later that I -- in the
12 justice system one cannot speculate.

13 THE INTERPRETER: The Sango interpreter would like to ask if someone could
14 encourage the witness to repeat his answer and to speak more slowly.

15 MR SCALIOTTI:

16 Q. Mr Witness, the interpreters are asking you kindly to speak more slow and also
17 to repeat your last answer that was not clear to them.

18 THE INTERPRETER: Many thanks from the interpreters.

19 THE WITNESS: (Interpretation) The Prosecutor asked me who was the
20 hierarchical authority that Mustapha reported to, and I said that it was not possible to
21 answer. (Redacted) with the Banyamulengue and after 20 days I learned who
22 was in charge of the MLC. The person (Redacted)
23 was Colonel Mustapha. So there you have it. That's how I would answer the
24 question. I don't know whether that answer is satisfactory to you.

25 MR SCALIOTTI: Madam President, if you allow me just one final -- it's more a

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1 clarification than a question. Thank you.

2 Q. Mr Witness, I understand this. So just for the sake of clarity, from now on
3 when you will make reference during your testimony to this armed group, are you
4 making reference to MLC or Banyamulengue to include the entirety of them?

5 A. But the Banyamulengue group is the same thing as the MLC. In actual fact, the
6 term the MLC, Banyamulengue, those were the terms that we used to describe the
7 troops, but it was indeed the MLC that sent the troops there to the locality. However,
8 it was only in 2003 that I learned who was in charge, so I avoided -- I tried not to
9 anticipate the answer to the question, and that is why I held back and didn't provide
10 that clarification immediately.

11 MR SCALIOTTI: Thank you, Mr Witness. Madam President, I think we can
12 conclude here. Thank you.

13 PRESIDING JUDGE STEINER: Mr Witness, we have now half-an-hour break for
14 you to have a coffee, to take some rest, as well as our interpreters and court reporters.
15 They need to take this break. It's 11 o'clock. We will resume at 11.30. Court
16 officer, please turn into closed session in order for the witness to be taken outside the
17 courtroom.

18 (Closed session at 11.04 a.m.) * Reclassified as Open session

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

20 (The witness stands down)

21 PRESIDING JUDGE STEINER: To be fair with our interpreters and court reporters,
22 we will resume at 11.35. The hearing is suspended.

23 THE COURT OFFICER: All rise.

24 (Recess taken at 11.05 a.m.)

25 (Upon resuming in closed session at 11.40 a.m.) * Reclassified as Open session

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- 1 THE COURT USHER: All rise. Please be seated.
- 2 PRESIDING JUDGE STEINER: Good morning and welcome back. Good morning
- 3 again and welcome back. Could, please, court usher bring the witness in.
- 4 (The witness enters the courtroom)
- 5 PRESIDING JUDGE STEINER: Can we turn please, court officer, into open session.
- 6 (Open session at 11.42 a.m.)
- 7 THE COURT OFFICER: We are in open session, Madam President.
- 8 PRESIDING JUDGE STEINER: Thank you. Mr Witness, welcome back.
- 9 THE WITNESS: (Interpretation) Thank you, Madam President.
- 10 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue giving
- 11 your testimony?
- 12 THE WITNESS: (Interpretation) I feel well and I am ready to proceed.
- 13 PRESIDING JUDGE STEINER: Thank you very much. Mr Scaliotti, please.
- 14 MR SCALIOTTI: Thank you, Madam President.
- 15 Q. Mr Witness, before the break we were talking about this MLC armed group.
- 16 Can you tell the Chamber how many MLC soldiers were in Damara, approximately?
- 17 A. Mr Prosecutor, your Honours, I did not count the number of MLC soldiers in
- 18 Damara. However, (Redacted) there were about 2,000 of them in
- 19 number; that their number was around 2,000.
- 20 MR SCALIOTTI: Madam President, if you don't mind, I think we should move just
- 21 for a few minutes very shortly into private session. Thank you.
- 22 PRESIDING JUDGE STEINER: Court officer, please.
- 23 (Private session at 11.45. a.m.) * Reclassified as Open session
- 24 THE COURT OFFICER: We are in private session, Madam President.
- 25 MR SCALIOTTI:

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1 Q. Mr Witness, you just said that these figures 2,000 soldiers, (Redacted)
2 their chief. Who do you mean by "their chief"?

3 A. I am referring to Mustapha. Mustapha was indeed (Redacted)
4 he had 2,000 troops. Colonel Mustapha is the one I am referring to when I say "their
5 chief."

6 Q. When did Commander Mustapha (Redacted) this?

7 A. The Banyamulengue occupied the city on the -- or the town on 7 December and
8 most inhabitants fled into the bushes. (Redacted)
9 (Redacted) I tried to get them out of the bushes, so I
10 (Redacted) on 10 December 2002. (Redacted)
11 (Redacted) English. One of his troops called (Redacted), who was a
12 (Redacted) into French (Redacted) and because some of our
13 notables did not understand French, (Redacted) Sango. It
14 is then that Mustapha (Redacted) the MLC troops at that time were around 2,000 in
15 number.

16 Q. Mr Witness, we will come back to this topic in due time and in more details.
17 For the time being, before we move back to public session, I would like to explain to
18 you that (Redacted)
19 (Redacted) is one of the identifying information that you should not give when in
20 public session. The fact that (Redacted)
21 (Redacted) that you just mentioned, is a fact that could identify
22 you with the public. Therefore, I strongly recommend you before we move back to
23 public session not to mention the facts that (Redacted)
24 (Redacted) Do you understand this?

25 A. Mr Prosecutor, I understand that very clearly.

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1 Q. Thank you. And, as I said, we will go back to this topic later on in due time
2 and you will be in a position to provide all the evidence that you think necessary with
3 regard to this topic. Thank you.

4 PRESIDING JUDGE STEINER: Mr Scaliotti, if I could put to the witness a follow-up
5 question?

6 MR SCALIOTTI: Of course, Madam President.

7 PRESIDING JUDGE STEINER: Mr Witness, you said that Commander Mustapha
8 (Redacted) in English. Do you know what is his nationality?

9 THE WITNESS: (Interpretation) Yes. (Redacted)
10 nationality. It is only a few days later that I learnt about his nationality. All I can
11 tell you is that (Redacted) English, (Redacted) into English -- into French
12 (Redacted) to the chiefs of the various villages in Sango. At the
13 beginning, I knew that he was English-speaking. That is the detail that I can provide,
14 but it is only later on (Redacted) that I found out about
15 his nationality.

16 PRESIDING JUDGE STEINER: And what is his nationality?

17 THE WITNESS: (Interpretation) A few days after the 10th (Redacted) he was
18 Rwandan, but on the 10th tensions were still very high and (Redacted) still trying (Redacted)
19 (Redacted) and at that time (Redacted) his nationality, but because
20 I am (Redacted) I thought at that time that he was -- or I knew at that time that he was
21 English-speaking. That is the precision that I can provide, your Honour.

22 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. Mr Scaliotti.

23 MR SCALIOTTI: Thank you, Madam President. We can now move back to public
24 session.

25 PRESIDING JUDGE STEINER: Court officer, let's turn into public session, please.

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1 (Open session at 11.52 a.m.)

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

3 MR SCALIOTTI:

4 Q. Mr Witness, we were talking about these 2,000 MLC soldiers in Damara. Did
5 they arrive at Damara all together at the same time?

6 A. Mr Prosecutor, I cannot answer that question directly. You know, these people
7 were soldiers. They had their own strategy for occupying the town and this (Redacted)
8 (Redacted) I believe that they came in at different times, but I was not in
9 town on the day on which they took over the town. It is much later that I became
10 aware of the details (Redacted) they had come in at
11 different times.

12 Q. Do you know what means of transportation did they use to get to Damara?

13 A. Mr Prosecutor, that is a very difficult question and I don't know how to answer.
14 During the war, I was a civilian. Do you think that I would have stood somewhere
15 in town to observe how the troops were entering the town? You see, bullets do not
16 distinguish between which victim they will hit and which one they will not. I had
17 fled with my family, and all I know is what I was told later on; namely, that they had
18 vehicles, VX-115, Libyan vehicles, coming along with Bozizé and they faced some
19 resistance and they withdrew to the airport from which they took the 115 vehicles, set
20 up some weaponry on the vehicles and attacked again before taking control of the
21 town. This is what I was told, but I did not see it with my own eyes.

22 THE INTERPRETER: Correction from the interpreters, the vehicles were BG-115.

23 MR SCALIOTTI:

24 Q. Mr Witness, I hope you don't mind if I remind you once again to speak as slow
25 as possible to allow the interpretation process. Thank you for that. My next

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1 question is: What language did the MLC soldiers speak?

2 A. Mr Prosecutor, most of the soldiers spoke Lingala, but some also spoke Banda,
3 while others spoke Ngbaka, Swahili and they spoke in several languages, but for the
4 most part Lingala was the language they used the most.

5 Q. How could you understand that they spoke the languages that you just
6 mentioned?

7 A. Mr Prosecutor, as you know very well, the Democratic Republic of Congo and
8 the Central African Republic are made up of Bantu people, so it is the same group of
9 persons on both sides of the border. I can tell you that I am married to a Congolese
10 woman. I speak Banda because I am Banda, and those who speak Banda can
11 understand me. The substantive mayor is Mbaka-Mandja and that is how I was able
12 to understand the languages that they spoke.

13 Q. Did the MLC soldiers have weapons?

14 A. Mr Prosecutor, nobody ever goes to war without weapons. I have already told
15 you that they were supported by Libyans. They had vehicles on which were
16 mounted heavy weaponry.

17 Q. Are you able to say what weapons did they have?

18 A. Prosecutor, this doesn't come within my field. This is a military field. It's
19 difficult to answer that question, therefore.

20 Q. Mr Witness, you said that Commander Mustapha was in charge of the MLC
21 troops in Damara. Apart from Commander Mustapha, did the MLC have any other
22 commander in Damara?

23 A. Prosecutor, I said a moment ago that the Colonel Mustapha had under him
24 officers. (Redacted)

25 (Redacted) I was waiting for you to put

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1 the question to me because we are in open session.

2 Q. Mr Witness, yes, on the one hand I would like to remind you as you rightly said
3 in open session not to give any identifying information. On the other hand, I was
4 simply asking you the names of the commanders and nothing else. Just the name of
5 other commanders, if any, in Damara.

6 A. Yes, the -- among the commanders there was Captain Raffa, Lieutenant
7 Bassambo. Raffa and Bassambo. Those are the ones that I know.

8 Q. Mr Witness, I would like you to focus now on the events that happened in
9 Damara from 7 to 10 December 2002. You have already mentioned that something
10 happened on 7 December. Can you explain in more details what exactly happened
11 on that day in Damara?

12 A. Prosecutor, I said that on the 7th, when the soldiers came, there was resistance
13 and I had to flee into the bush with my family. I came out to the town on the 10th,
14 and it was when I came out from the bush that these facts were reported to me, what
15 had happened. I wasn't able to see these things with my own eyes. I fled with the
16 others. I spent three days in the bush and I came out of the bush on the 10th and it
17 was on that day (Redacted)

18 Q. Mr Witness, I apologise if I have to ask you once again one precision, but you
19 said "soldiers came." Just for the sake of clarity, can you specify what soldiers are
20 you referring to?

21 A. Prosecutor, you asked me the question with regards to the MLC soldiers, so on
22 7 December 2002 it was the MLC soldiers who came into the town and they drove
23 away Bozizé's rebels. When they entered into the town, they were armed. Nobody
24 could remain in the town. Those who were in the town were Bozizé's rebels, who
25 were trying to fight back the resistance, and I wasn't next to them to be able to see

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1 how they had come in. I fled into the bush and three days afterwards I came back
2 out again and those who were there told me what had happened. On the 7th I didn't
3 see anything with my own eyes, in order not to lie.

4 Q. Based on what was reported to you, what area did the MLC take on
5 7 December 2002 and in the following days?

6 A. Yes, Prosecutor. Our locality was next to the main road. Having taken over
7 this locality, there were cases of rape of elderly persons, of young girls, and it was
8 those who suffered from these atrocities. There were cases of rape of young girls, of
9 elderly people; they pillaged houses, they took clothing, foam mattresses, everything
10 that they could find that was of any value. They took motorbikes belonging to the
11 administration, electric cables. When I came out of the bush, the others reported
12 these facts to me. I would also like to say to you that their staff HQ was situated in
13 the house of the deputy of the locality.

14 Q. Mr Witness, first of all, I would like to remind you to speak slow, please.
15 Second, we will go back to these crimes that you just described, but maybe my
16 question was not sufficiently clear. What I wanted to know from you is the
17 following: The MLC you said drove out Bozizé's forces, and therefore what area did
18 they take control of? Simply the town of Damara or also the neighbouring areas?
19 How would you explain this? What was the area that they took?

20 A. Prosecutor, I told you that it was a small locality. They occupied the centre,
21 Boga neighbourhood in fact. They occupied the town centre of Damara and a small
22 locality next to it. All the locality was under their control. That's what I was able to
23 see.

24 THE INTERPRETER: The interpreter corrects page 35, line7. It was electric
25 generators and not electric cables.

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1 MR SCALIOTTI:

2 Q. Where did Bozizé's forces move when they were repelled from Damara?

3 A. I think that when they were driven back on the 7th they went in groups, and
4 some took the Sibut road. And between the troops there was a distance of 25
5 kilometres. The Banyamulengue were in the centre of Damara, so the locality of Libi.
6 Well, going towards Sibut, that was occupied by the troops of Bozizé.

7 Q. How far was this locality that you just said that Bozizé's troops occupied from
8 Damara?

9 A. Libi is 30 kilometres away and Sibut 110.

10 Q. How long did the MLC group stay in Damara?

11 A. Yes, Prosecutor. I think I said in my statement that they occupied Damara on
12 7 December 2002 and they left the town of Damara in mid-February. So you can see
13 how long the MLC troops stayed in Damara, how long it was for.

14 Q. You said that the MLC took control of Damara with the support of the Libyans.
15 Do you know what support the Libyans provided to the MLC?

16 A. I think that one can make mistakes when one refers to this, but I think there
17 would have been troops in the Central African Republic at the time that the events
18 took place. They were there in order to protect the regime of President Patassé.
19 International opinion criticised this position and the military troops from Libya
20 withdrew. And it was the day of the withdrawal of the Libyan troops, it was on that
21 day that the MLC troops occupied the town of Damara. They tried the first time,
22 there was lots of resistance, and they entered Bangui.

23 I wasn't there, but the people who were present told me that the Libyan troops were
24 there previously in front and the MLC troops came in support. They had -- or there
25 were heavy weapons which were fitted onto vehicles belonging to the Libyan troops

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1 who had been at the front, followed by MLC troops. That's something that I didn't
2 see, but I did hear that said and I think I stated that in one of my witness statements.

3 Q. Thank you for this answer, Mr Witness. Just to clarify to you the fact that
4 certain things were stated by you in the statement, nevertheless doesn't mean that you
5 don't have to repeat whatever you have to say in answer to my question; it doesn't
6 matter. Regardless of whatever you said in your statement, you should be patient
7 and answer the questions that you will be asked here in front of the Judges. I
8 apologise, it is my mistake, but I am not completely clear about your answer and I
9 have to ask you again: Did the Libyan troops provide any support to the MLC
10 specifically with regard to the operation to take Damara?

11 A. Prosecutor, I think I said that I didn't see that, in order to be precise. This
12 something that was reported to me. It wasn't the Libyan troops; it was the logistics,
13 the vehicles, and some Libyan troops. They went in the morning to fight Bozizé's
14 troops. They didn't manage to dislodge them. They went back to Bangui and with
15 their vehicles they carried out shots with heavy weapons, or they fired with heavy
16 weapons, and the group behind was progressing. I wasn't there, but this something
17 that was reported to me and the heavy weapons I didn't see in the hands of the MLC
18 troops. That is what I said to the investigators of the Office of the Prosecutor.

19 Q. Have you ever seen any Libyan soldier in Damara?

20 A. I think the three days that I spent in the bush there were no Libyan soldiers in
21 Damara, but it was on the 7th that we got the information according to which the
22 Libyans were present after withdrawing and the MLC had occupied the area. I
23 didn't personally see any Libyan soldiers.

24 Q. According to this information that you were given, the Libyans were present on
25 the 7th. Do you know when they left Damara?

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1 A. Prosecutor, I think I said that I wasn't present. According to what I heard the
2 Libyan troops accompanied the MLC troops into Damara, and these Libyan troops
3 had no reason to stay. They had to withdraw. In the meantime, the MLC troops
4 had won the battle and the Libyan troops withdrew on the same day. I wasn't
5 present but, according to the information received by some soldiers, the soldiers of
6 General Bozizé were influenced by the sol-sol missiles fired by the Libyan soldiers.
7 THE INTERPRETER: Ground-to-ground missiles fired by the Libyan soldiers.

8 MR SCALIOTTI:

9 Q. Mr Witness, after the occupation of Damara by the MLC troops, which as you
10 said happened on 7 December 2002, and during the occupation that as you said lasted
11 until mid-February, was any other armed group in Damara?

12 A. Prosecutor, I think I said to you that the first soldiers occupied -- to occupy the
13 locality were General Bozizé's troops. After that, from 7 December 2002 to the
14 middle of February 2003, there were no other troops. There were none.

15 Q. Now, can you describe in more details what happened after the MLC troops
16 took control of Damara? What did they do after taking control of Damara?

17 A. I shall be very brief, as I have been in my statements. After they left the bush,
18 on 10 December 2002, at the time of the fighting there were a lot more victims among
19 the ranks of General Bozizé. Among the population, among the civilian population,
20 there was only one person and this was a mad person who had been killed. Most of
21 the victims, the bodies, which were putrefying were those of the rebels of General
22 Bozizé and the Red Cross was responsible to take the bodies away, but the fact that or
23 the events that took place before, well, it was the victims, the people who preferred to
24 stay in the locality, who suffered atrocities.

25 On those days, or in these days, there were no victims of murder, but it was -- they

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1 were more victims of pillaging. We met them to find an area of agreement and, until
2 the month of December, I think that their reactions were much more due to the fact
3 that there had been on 30th -- on 31 December there had been a reversal of Bozizé's
4 troops and they had infiltrated the locality and there were 26 victims. I am starting
5 with cases of rape, where two girls were raped close to the stadium. I'm talking
6 about (Redacted)

7 THE INTERPRETER: The Sango interpreter isn't sure of the names.

8 THE WITNESS: (Interpretation) That is what I can say with regards to the
9 questions that you have put to me.

10 MR SCALIOTTI:

11 Q. Mr Witness, I would like to remind you again to be very careful when we are in
12 open session not to give certain information. Now, my question was essentially to
13 talk about the pillaging, the looting please. Can you explain more. You mentioned
14 that there was looting. Can you explain more what happened with regard to the
15 looting, and please don't give any information that could identify yourself?

16 A. Yes. Where it concerns the property belonging to individuals and pillaging the
17 goods of the administration, pillaging as well as cases of rape, this is what I can
18 mention here, but if you ask me specific questions I'll be able to answer them. For
19 the moment, I'll leave it at that.

20 Q. First of all, Mr Witness, what goods, as far as you know, were looted from the
21 population?

22 A. Prosecutor, there were lots of different articles that were pillaged. There was
23 clothing, the beds, lots of different types of articles. I can't give you everything here.
24 They also took motorbikes, they took electric generators, I gave this list during the
25 preliminary investigation.

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1 Q. In what area were the houses that were looted?

2 A. It was in the town centre of Damara, in the residential neighbourhood which
3 was in the centre of Damara, that's where they took the whole place over and that's
4 where they carried out their pillaging.

5 Q. Just for the sake of clarity, can you repeat who committed this pillaging?

6 A. It was the armed forces who had occupied the town when the population had
7 already fled. I'm speaking about the MLC troops.

8 Q. You said you were in the bush while the occupation of Damara took place.

9 When did you come out of the bush?

10 A. Prosecutor, I stated here that I came out on 10 December in the morning. It
11 was the 10th.

12 Q. Why did you decide to come out of the bush?

13 A. The first reason is because there was nothing more to eat in the bushes.
14 Our -- my family did not have food, we were starving, and so that was the first reason.

15 The second reason is that (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. Can you describe to what extent was the town of Damara looted?

20 A. Mr Prosecutor, there is no fair war between an armed person and an unarmed
21 person. You see, the civilian could not resist or say "no" to the activities of the armed
22 or to the acts of the armed occupants because they were the masters on the ground.
23 The civilians could not do anything, so they are the ones who looted their businesses
24 and looted their property. They did anything and whatever they wanted to do.

25 Q. Before asking you the next question, I would like to remind you, once again, to

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1 be very careful when you provide an answer to this question not to give any
2 information that could identify yourself. Now, my question is what, if anything,
3 happened to your property?

4 A. Mr Prosecutor, before answering, I would like first of all to apologise to the
5 Court. I have some dental problems and I am beginning to feel a headache. It is
6 difficult for me to continue. I have made efforts to be here and to continue this
7 testimony, but I want to appeal to the Court to take this request into consideration.
8 You see, as I went through -- or as I fled, I abandoned all my property. My domestic
9 animals and my property, everything that I had acquired throughout my life, was lost.
10 I lost all of that. When I came out of the bush, I even had to spend the night on a mat.
11 They actually emptied my house.

12 PRESIDING JUDGE STEINER: Mr Scaliotti, if I may? The Chamber had been
13 already informed yesterday that the witness had some problems and has a medical
14 appointment this afternoon. I am asking you, sir, do you prefer that we suspend the
15 hearing right now? You said you are not feeling well. We can suspend, if you
16 prefer.

17 THE WITNESS: (Interpretation) Yes, your Honour, I feel some pain. I feel great
18 pain in my head. I am no longer able to answer the Prosecutor's questions properly,
19 but I want you to know that I did my level best to be here to testify today.

20 PRESIDING JUDGE STEINER: I am sure you did and, as I said, the Chamber had
21 been informed since yesterday that you were not well, that you had pain - tooth
22 pain - and that you have a medical appointment. There is no problem at all. We
23 are going to adjourn for today. You will have all medical assistance you need and
24 we will resume tomorrow morning, at 9.30 in the morning, in the hope that you will
25 be feeling much better.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0209

1 I thank very much the Prosecution team, legal representatives of victims, the Defence
2 team, Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters and court
3 reporters, court officers. We are going to adjourn and resume tomorrow morning at
4 9.30. And, Mr Witness, whatever you need, VWU will provide you with all
5 assistance necessary.

6 We are going to turn into closed session in order for the witness to be taken outside
7 the courtroom and, in the meantime, we will adjourn and resume tomorrow morning
8 at 9.30.

9 (Closed session at 12.38 p.m.) * Reclassified as Open session

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

11 (The witness stands down)

12 THE COURT OFFICER: All rise.

13 (The hearing ends at 12.39 p.m.)

14 RECLASSIFICATION REPORT

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

16 ICC-01/05-01/08-3038 and the instructions in the email dated 20 June 2014, the version
17 of the transcript with its redactions becomes Public