

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

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 Monday, 31 October 2011
8 (The hearing starts in open session at 9.40 a.m.)
9 THE COURT USHER: All rise. The International Criminal Court is now in session.
10 Please be seated.
11 THE COURT OFFICER: Good morning, your Honours, Madam President. We are in
12 open session.
13 PRESIDING JUDGE STEINER: Good morning.
14 Could, please, court officer call the 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.
18 Good morning and welcome Prosecution team, Ms Kneuer, legal representatives of
19 victims, Defence team -- Maître Liriss, welcome back - Mr Jean-Pierre Bemba Gombo.
20 Good morning to our interpreters, court reporters.
21 We will continue today with the questioning of Witness 47, starting by Defence -- sorry,
22 by Prosecution, and for that purpose I ask, please, court usher - good morning - to bring
23 the witness in.
24 (The witness enters the courtroom)
25 WITNESS: CAR-OTP-PPPP-0047 (On former oath)

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- 1 (The witness speaks French)
- 2 PRESIDING JUDGE STEINER: Good morning, Mr Witness.
- 3 THE WITNESS: (Interpretation) Good morning, your Honour. Good morning
- 4 everyone in the Court.
- 5 PRESIDING JUDGE STEINER: I hope you had the opportunity to take some rest, to
- 6 relax during the weekend?
- 7 THE WITNESS: (Interpretation) No, your Honour.
- 8 PRESIDING JUDGE STEINER: You were not able to take some rest during the
- 9 weekend?
- 10 THE WITNESS: (Interpretation) I do have a concern. There's something that has
- 11 been bothering me ever since Saturday.
- 12 PRESIDING JUDGE STEINER: Were you able to talk to a representative of VWU about
- 13 your concerns?
- 14 THE WITNESS: (Interpretation) Well, in practical terms, a health concern, I received
- 15 some news from back home.
- 16 PRESIDING JUDGE STEINER: Would you like to share that with us or would you
- 17 prefer to share with VWU and the Chamber will be informed on a confidential basis?
- 18 THE WITNESS: (Interpretation) Well, I can talk to you about it.
- 19 PRESIDING JUDGE STEINER: We are in public session. Will you feel comfortable?
- 20 THE WITNESS: (Interpretation) Yes, your Honour.
- 21 PRESIDING JUDGE STEINER: Would you like to share with us? It's up to you,
- 22 Mr Witness. You don't have to.
- 23 THE WITNESS: (Interpretation) Yes, your Honour.
- 24 PRESIDING JUDGE STEINER: Mr Witness, since I -- we don't know what you have to
- 25 tell us, just in case I will ask first the court officer to go into private session.

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1 Court officer, please.

2 *(Private session at 9.46 a.m.) Reclassified as Open session

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

4 PRESIDING JUDGE STEINER: Mr Witness, if there's anything you would like to
5 address the Chamber, please.

6 THE WITNESS: (Interpretation) Thank you, your Honour. On Saturday I was
7 supposed to go out and walk about to get some air, and when I called to hear how my
8 family was back home, (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 So that's the news that I wanted to give you here before the Court.

20 PRESIDING JUDGE STEINER: Mr Witness, have you shared this information with
21 VWU?

22 THE WITNESS: (Interpretation) Well, since I got here this morning up until now, I
23 really haven't spoken to people from the VWU.

24 PRESIDING JUDGE STEINER: I will ask the officer of Victims and Witnesses Unit to get
25 in touch with you during the break in order for you to give him or her a full account of the

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1 content of these visitors that family members of yours received, and I will ask the officer
2 to prepare on an urgent basis a report to the Chamber.

3 In the meantime, Mr Witness, I suggest that you continue your testimony in private
4 session. Can you do that? Do you agree with that?

5 THE WITNESS: (Interpretation) Your Honour, the last time, well, as I told you, we
6 already began in open session and I still want it to be held publicly, in public. This is
7 historical testimony that will affect generations. I don't think anything needs to be
8 hidden. There's nothing in any of this that should be hidden.

9 PRESIDING JUDGE STEINER: Would the Prosecution like to make any observation?

10 MR IVERSON: Thank you, Madam President. Certainly the Prosecution is very
11 concerned about this alarming information. I think that this is what we were concerned
12 about from the beginning, that with all due respect to the witness he may not be able to
13 properly gauge the relative risk involved to third parties in this situation. He may not be
14 in a position to be able to measure that type of objective risk.

15 We certainly want to take the witness's views into account, but at the same time I think
16 that we would like to maintain our position that the testimony should be in private
17 session in order to protect third parties. I think that that's all I have to say at the
18 moment.

19 Dr Kneuer made a point just now that it might be a good idea at this point to take a break
20 to try to assess the situation better. We are operating with a limited number of facts here
21 that we can understand the situation. I think that we might be able to understand the
22 situation better if we perhaps would take a break to have a discussion with VWU, your
23 Honour. Thank you.

24 (Pause in proceedings)

25 PRESIDING JUDGE STEINER: We are just waiting a moment. I asked the court officer

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- 1 to contact VWU to see whether the VWU officer is available right now.
- 2 Court officer, please turn into open session.
- 3 (Open session at 9.56 a.m.)
- 4 THE COURT OFFICER: We are in open session, Madam President.
- 5 PRESIDING JUDGE STEINER: Mr Witness, we will suspend this session for about
- 6 half-an-hour. In the meantime, the protection officer from VWU will come to talk to you
- 7 and I ask you, please, to report everything you shared with the Chamber. The protection
- 8 officer will prepare a very short report to the Chamber. We will resume at 10.30 and
- 9 then it will be for the Chamber to decide whether you continue testifying in open or
- 10 private session.
- 11 I ask, please, court usher to accompany the witness outside the courtroom.
- 12 (The witness stands down)
- 13 PRESIDING JUDGE STEINER: We will suspend now and resume again at 10.30.
- 14 THE COURT OFFICER: All rise.
- 15 (Recess taken at 9.58 a.m.)
- 16 (Upon resuming in open session at 10.52 a.m.)
- 17 THE COURT USHER: All rise. Please be seated.
- 18 PRESIDING JUDGE STEINER: I'm really sorry for the delay. We just received an oral
- 19 report from VWU. We will continue. I ask, please, court usher to bring the witness in.
- 20 (The witness enters the courtroom)
- 21 THE COURT OFFICER: Your Honour, if I may? Just for a few seconds, please, we will
- 22 wait until the tape is being changed, so please do not say anything in the meantime.
- 23 (Pause in proceedings)
- 24 Madam President, we can proceed.
- 25 PRESIDING JUDGE STEINER: Thank you, court officer.

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1 Mr Witness, welcome back.

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

3 PRESIDING JUDGE STEINER: You had a meeting with the protection officer of VWU,
4 Victims and Witnesses Unit. You have reported to him in detail what happened, and
5 VWU will take every necessary measures in the field to make it sure that your family
6 members are fine, are safe.

7 I have to ask you, before you continue giving your testimony, whether you still prefer to
8 give your testimony in public, or in private session?

9 THE WITNESS: (Interpretation) Your Honour, the first of the two would be the best.

10 PRESIDING JUDGE STEINER: Meaning you will continue in public session? This is
11 your wish?

12 THE WITNESS: (Interpretation) Yes, your Honour.

13 PRESIDING JUDGE STEINER: Mr Witness, before you continue with your testimony, I
14 need to remind you that you are still under oath. Do you understand that?

15 THE WITNESS: (Interpretation) Yes, your Honour.

16 PRESIDING JUDGE STEINER: I also need to remind you that you need to speak slower
17 than normal and to give the five seconds before you start answering to a question put by
18 counsel.

19 Finally, Mr Witness, if at any time you feel tired, or distressed, you just let us know and
20 we can go into a break. Is that fine with you, sir?

21 THE WITNESS: (Interpretation) Yes, your Honour, that's fine.

22 PRESIDING JUDGE STEINER: Mr Iverson, you have the floor.

23 MR IVERSON: Thank you, Madam President.

24 QUESTIONED BY MR IVERSON: (Continuing)

25 Q. Good morning, sir.

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1 A. Good morning, sir.

2 Q. Sir, in light of what you told the Chamber this morning, if at any point you don't feel
3 comfortable while you're testifying just let me know, or as Madam President said let the
4 Honourable Judges know, and we'll be able to take a break at that point. I just want you
5 to keep that in mind, sir.

6 Last week, on Friday, we finished the day talking about incidents at the naval base. Do
7 you remember that, sir?

8 A. Yes, sir.

9 Q. And you previously testified that there were three such incidents like the incident at
10 the naval base, and so I would like to talk to you about one of -- the last incident, the only
11 incident that we haven't discussed yet, and my first question is: Sir, what if anything do
12 you know about the SODECA water pumping station?

13 A. The water pumping station, SODECA, as the name suggests it was there that the
14 national water company takes water and this pump is not far from where the ferry-boat is
15 moored.

16 Q. Sir, did you witness any abuses at or near this water pumping station?

17 A. Would you mind repeating, because I didn't quite hear properly?

18 Q. Did you see any abuses at or near this water pumping station?

19 A. Counsel, I think I told you that the three events that took place, well, the first of
20 these events occurred on the ferry-boat itself, the second event on the ferry-boat itself and
21 the last incident took place in the naval base.

22 Q. Well, sir, could -- I'm a bit confused then about the incidents on the ferry. You
23 spoke of one incident that occurred on the ferry, meaning -- when I say "incident," I mean
24 it happened during the course of a day, or during the course of hours. Could you then
25 tell the Court about the other incident to which you refer?

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1 A. The question that you've just put to me was the following, "Where was the water
2 pumping station located?" That was your question and this is where I'm not
3 understanding what's going on. Is there an incident that took place at the water
4 pumping station? I don't understand your question.

5 Q. Sir, are you having difficulty remembering, or what don't you understand, sir?

6 A. No. Well, a little earlier on you asked me whether I was familiar with the SODECA
7 water pumping station and I have told you that the water pumping station is not far from
8 where the ferry-boat is moored; the ferry-boat that is used to cross over to Bangui.

9 Q. Well, sir, can I ask you just to disregard my question about the water pumping
10 station for now and just, if you could, tell the Court about the second incident that you
11 witnessed on the ferry?

12 A. The second incident that took place on the ferry, the militiamen, when they took
13 these women by force and got them on board their four-by-fours, they arrived -- they
14 arrived very, very quickly. They got the women up on to the deck of the ferry-boat.
15 These women were absolutely terrified, and the militiamen -- well, each of these
16 militiamen wanted to take the women of his choice, like as if there was a goat that was
17 tied to a post. The women weren't consenting and the militiamen for all that began
18 brutalising these women. One militiaman made some attempts to swap over a woman
19 with another militiaman and there were lots of fisticuffs on the deck of the ferry, and then
20 all of a sudden one of these militiamen involved in the fighting slapped the young woman
21 in question, she fell to the ground and then he took hold of the other woman and slept
22 with that woman. Then once he'd finished, another one came in his stead and he wanted
23 to -- wanted to have the woman have oral sex with him and the woman refused, and then
24 there was a big rumpus and the poor woman, as she was trying to run away backwards,
25 she actually fell into the water, and then the others started sleeping with the other women

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1 and they did exactly what they wanted with these women.

2 Q. What happened to the woman who fell into the water?

3 A. The woman who fell into the water, well, somebody went in to save her because the
4 man who had been the cause of the woman's fall, that man preferred to actually leave the
5 deck and leave the water -- leave the woman in the water, and she in the water struggled
6 to get hold of the bank, tried to reach the bank, but nobody actually helped the woman in
7 the water.

8 Q. Sir, the event that you're describing right now, was this the first or the second such
9 event that you had ever witnessed during that period?

10 A. It's the second event.

11 Q. Sir, during this period did you ever witness any shootings, or killings?

12 A. Would you mind repeating your question so I can hear it better?

13 Q. During this period did you ever witness a person being shot with a weapon, with a
14 rifle?

15 A. To the best of my knowledge, the gunfire could only -- well, you can't include the
16 gunfire. You can't talk about gunfire. Well, the gunfire, if you will, could be involved
17 in certain threats. You can't -- it wasn't even possible to count the number of people who
18 were firing, or even the number of shots that were indeed fired.

19 Q. And what I'm asking you to do is not just randomly -- or not just mention the people
20 you may have seen on the ground, bodies, but did you actually see any person fire a shot
21 from a weapon and kill another person?

22 JUDGE ALUOCH: Mr Iverson, do you mean during this second incident, during the
23 course of this second incident of rape, or what do you mean? You're not quite clear.

24 MR IVERSON: Your Honour, I don't know when it may have happened. It may have
25 happened during the second event, but I'd like to ask the witness if he witnessed that and

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1 then try to determine when that happened in the chain of events. So my not being clear,
2 or being too general, is deliberate here. It's -- I'm just asking during the whole course of
3 that period.

4 PRESIDING JUDGE STEINER: Mr Iverson, please put the question again to the witness
5 because now it appears that the witness is a little bit at a loss.

6 MR IVERSON:

7 Q. Sir, during this 19-day period which you've described, did you at any point see a
8 person shoot and kill another person?

9 A. During the 19 days, when you think about the gunfire, there was a lot of gunfire.
10 There was a lot of gunfire, but to see whether gunfire actually shot somebody in front of
11 my eyes, I mean I can't say that, but gunfire I can tell you you can't even talk about the
12 number. You can't even count the intimidating or threatening gunfire. This actually
13 occurred on the ferry-boat.

14 Q. Sir, you've discussed a number of victims of rape. Do you know whether the
15 Banyamulengue actually killed any of these victims of rape?

16 A. The victims of the rapes, they were terrified. They terrified them. They were
17 beaten. They made them enter into a state of panic, but as far as killing them before my
18 very eyes, no, I myself didn't see them being killed. The rapes did indeed take place, but
19 as regards any killing, no.

20 PRESIDING JUDGE STEINER: Maître Liriss.

21 MR LIRISS: (Interpretation) Your Honour, the Defence would have liked to make an
22 objection on this for a while now with regard to the statement made by Witness 47
23 pertaining to the rapes, or the murders committed on the ferry-boat, or near the water
24 pumping station belonging to SODECA.

25 You may read in the decision confirming the charges that in particular from paragraph

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1 154, and even before that particular paragraph, you can read that the Presiding Judge in
2 that hearing didn't actually retain those particular charges. Consequently the questions
3 that are being put, the questions that are put in this particular vein, strike me as not
4 relevant. This is in our mind at the Defence bench.

5 PRESIDING JUDGE STEINER: Mr Iverson, any comment?

6 MR IVERSON: Madam President, I don't have the confirmation decision to hand at the
7 moment. Can I just have one moment to discuss with my team? Thank you.

8 Well, the eliciting of information about crimes that are charged in the document
9 containing the charges and confirmed certainly are relevant, and with this witness the
10 Pre-Trial Chamber did not fully -- was not able to fully weigh his probative value because
11 I believe that his identity was not disclosed at that time. So I think that this -- these
12 issues go to really the weight of the evidence, and certainly they're relevant because we
13 are talking about the crimes charged.

14 PRESIDING JUDGE STEINER: Maître Liriss, I don't have here the decision confirming
15 the charges in front of me, but I am aware that during the pre-trial proceedings the
16 statement of Witness 47 was not fully disclosed to the Defence, only a summary, for many
17 reasons, starting by security reasons. The facts that are being testified by the witness are
18 facts related to charges that have been confirmed, among them killings, rapes, and
19 pillaging, and Mr Iverson is correct when he says that the testimony related to the rape
20 charges will be properly weighted at the end when the Chamber is to analyse the whole of
21 the evidence. There is no reason why the witness cannot testify in relation to rapes,
22 killings and pillaging, or any other charges that have been confirmed.
23 So, Mr Iverson, you can continue.

24 MR IVERSON: Thank you, Madam President.

25 PRESIDING JUDGE STEINER: Maître Liriss.

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1 THE INTERPRETER: Counsel Liriss, microphone please.

2 MR LIRISS: (Interpretation) Just to establish the following. The Bench laid down two
3 conditions: On the first hand, the anonymous nature; and on the second-hand, not
4 only with this anonymous character, the lack of corroboration. Thank you very much,
5 your Honour.

6 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. It is -- your objection is on the
7 record and the Chamber will take into consideration when evaluating the weight to be
8 given to the evidence given by this witness.

9 Mr Iverson, you can continue.

10 MR IVERSON: Thank you, Madam President.

11 Q. Sir, I'd like to go back to the second incident that you witnessed on the ferry.

12 Could you say when this happened in relation to the first incident; so how many days
13 after the first incident on the ferry did the second incident occur?

14 A. I think it was 48 hours; 48 hours between the two incidents.

15 Q. Okay. And with regard to the second incident, how many people showed up in
16 total? How many people were out on the ferry, including perpetrators and victims?
17 And I'm just asking for an approximation, if you could?

18 A. On average, well, I really can't tell you an exact number, but given the way I'm
19 feeling today I really can't focus a lot. I can't give you a number, but I think you could
20 look at my previous testimony.

21 Q. Sir, are you not able to remember? Would it help if you saw your statement to
22 remember?

23 A. Yes, if you could provide that to me.

24 MR IVERSON: Yes, sir. Could I ask the court officer to please display

25 CAR-OTP-0028-0416. I'm sorry, the first ERN number is 0028-0409 and then the

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- 1 statement is at 0416 and the English translation is CAR-OTP-0055-0111.
- 2 THE COURT OFFICER: Madam President, if I may, this is a confidential document.
- 3 Do you want the blinds to be lowered before broadcasting the document?
- 4 PRESIDING JUDGE STEINER: I don't think so, if the testimony is given all in public
- 5 session.
- 6 MR IVERSON: I don't see the need for that, Madam President.
- 7 THE COURT OFFICER: Document CAR-OTP-0028-0409, first redacted version, at page
- 8 0416 is available on the screens. It's marked as a confidential document, and I would
- 9 seek the Chamber's guidance to see if this document can be broadcast to the public?
- 10 PRESIDING JUDGE STEINER: Do you have any objection, Mr Iverson?
- 11 MR IVERSON: Would that necessarily -- would that require a reclassification of the
- 12 document, or -- I guess I'm not fully following?
- 13 PRESIDING JUDGE STEINER: I think there's no need for the document to be displayed
- 14 outside the courtroom.
- 15 MR IVERSON: I don't see any need for that, Madam President.
- 16 Q. Sir, are you able to see that portion of your statement on your screen?
- 17 PRESIDING JUDGE STEINER: Let's just give some time to the witness to read.
- 18 (Pause in proceedings)
- 19 THE WITNESS: (Interpretation) All right. I've just looked at the content and I do
- 20 remember those events. As I told you a few moments ago this morning my spirits were
- 21 quite low, but I do remember those girls. I certainly do remember those girls.
- 22 PRESIDING JUDGE STEINER: The witness doesn't need that document any more
- 23 displayed in the screens.
- 24 THE WITNESS: (Interpretation) No, you can keep it on the screen until I'm finished,
- 25 because I think I'm finished with the details.

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1 PRESIDING JUDGE STEINER: Mr Witness, the Prosecution will put to you some
2 questions and it would be better if you don't read what you said in your statement, but
3 now that you've refreshed your memory maybe you can just answer the Prosecution
4 questions without reading. If need be, to go to the next page, we will display the next
5 page. Mr Iverson.

6 THE INTERPRETER: Interpreter correction: In the previous reply from the witness he
7 mentioned "fait," but the way it was pronounced most unfortunately the English
8 interpreter heard "filles." He was speaking -- he said that he remembered those events,
9 not those girls.

10 MR IVERSON:

11 Q. Sir, did reading your statement refresh your recollection, then?

12 A. Yes, sir.

13 Q. Sir, what can you tell us about an incident at the water pumping station?

14 PRESIDING JUDGE STEINER: Mr Haynes.

15 MR HAYNES: I object to that because that is just putting words into the witness's mouth.
16 The purpose of asking him to refresh his memory from his witness statement was to see
17 whether he could be reminded how many girls and perpetrators there were on the second
18 occasion of rape on the boat, which he has just described us, not to get him to completely
19 relocate events.

20 That was the question immediately following his being allowed to read his statement and
21 that should be the question that's put now: How many girls and perpetrators were there
22 on the boat on the second occasion?

23 PRESIDING JUDGE STEINER: Mr Iverson, let's go step-by-step, starting by where you
24 finished, it was on the ferry, and if need be we go to following events.

25 MR IVERSON: Of course, Madam President, but just to respond to Mr Haynes I think

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1 it's obvious from this morning's testimony that whatever events occurred this weekend
2 may have had an effect on the witness. There's a lot of confusion, and so I was
3 attempting to clear up the whole situation and not just simply a question of numbers and I
4 thought that that was a good opportunity to try to clear this up at this point. That's what
5 I was doing.

6 Q. Okay. Sir, you were -- before you read your statement you were talking about an
7 incident on the ferry. Do you remember how many people were on the ferry?

8 A. In relation to what I just looked at, I don't understand.

9 Q. That's very understandable, sir. Why don't I ask you then to -- let's try to avoid
10 further confusion. Why don't I ask you questions about the information that you just
11 looked at from your statement? What can you tell the Court about the water pumping
12 station?

13 A. All right. The water pumping station that I defined to you a few moments ago, I
14 do remember that incident. When those militiamen took a good number of those ladies
15 in the four-by-fours in the evening, all those women were taken out and the militiamen
16 were beside them. They started by taking bracelets and other jewellery on those women,
17 any attractive item, and since they were in a group close together under the mango trees,
18 between the pumping station and the ferry-boat, you see, they began to take watches,
19 jewellery, T-shirts, any item that was attractive that these women had. They took those
20 various items from them and others rushed them on to the ferry-boat and began treating
21 them brutally. It always began with threats and really it was an atmosphere of panic and
22 fear. That's when it -- that was the atmosphere when those things happened.
23 During those events, there certainly was no shortage of shooting. Other ones were
24 sleeping with those girls, with those old ladies. It was an awful thing to see, and while
25 this was going on and while the shooting was -- the gunfire was going on, a bullet hit

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1 some of those women, without people really realising, and three days later the body was
2 submerged and then we saw the poor woman whose body was underneath the water's
3 surface and we saw the impact marks of the bullets and she had died.

4 Q. Sir, did -- on this occasion, did it start at the water pumping station and then the
5 incident moved to the ferry; is that correct?

6 A. Yes, the pumping station was there between -- you see, it was between the pumping
7 station and the ferry. That's when those events took place.

8 Q. And when did this event happen, given the range from the first to the 19th day?
9 Do you remember when it happened?

10 A. Those events happened after the first incident, 48 hours after, and then after
11 that -- and then, you see, there was the other incident after that.

12 Q. When you refer to the second incident, is this the incident that you're referring to?

13 A. Yes.

14 Q. Okay. Could you tell the Court, please, who was present? Who were the people
15 that were present on this event?

16 A. Warrant Officer Odon was there and the staff sergeant was there. I was there. At
17 the naval base, there was the boss of the naval base and a few of his soldiers.

18 Q. And approximately how many militiamen were present?

19 A. Fifteen or 16.

20 Q. And approximately how many women were present?

21 A. There was about -- there were 40 women. That's how many there were.

22 Q. Do you know who these militiamen were? Where were they from?

23 A. They were coming back from Bangui, from the neighbourhood of Bangui.

24 Q. When you say "militiamen," do you mean MLC militiamen, or were they from
25 another armed group?

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1 A. MLC militiamen, because at that time there were only MLC militiamen in the
2 capital.

3 Q. Were these militiamen armed? Were they carrying weapons?

4 A. Yes, sir.

5 Q. Do you know what type of weapons they were carrying?

6 A. They always had the infamous Kalashes on them and guns of other calibres.

7 Q. Do you know what the approximate age range of the women was?

8 A. The age range was from 13 to 70.

9 Q. And do you know where these women were from?

10 A. I have no idea.

11 Q. Do you know if they were Central African?

12 A. They were all Central African women.

13 Q. On this occasion did you have an opportunity to speak with any of them, of the
14 women?

15 A. After those scenes of terror, it was necessary to encourage them, raise their spirits,
16 try and say to them, "Try to get back home. Try to buck up."

17 Q. And did any of them tell you where "home" was; where they were going back to?

18 A. Well, much more the 4th and PK12.

19 Q. Sir, do you remember what time of day this happened, this event?

20 A. It was in the afternoon, I would say at about 5.30 in the afternoon, when they were
21 brought.

22 Q. Sir, and when you observed the event, where were you located?

23 A. I wasn't far away; I was on the ferry-boat.

24 Q. Sir, did all of the 40 women go on to the ferry-boat?

25 PRESIDING JUDGE STEINER: Mr Haynes.

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1 MR HAYNES: Your Honour, I do protest. The witness has had the opportunity to
2 refresh his memory from his interview with the Office of the Prosecutor. There really is
3 no need for Mr Iverson to continue to put words into his mouth. This could be asked in
4 an open way, and not in a suggestive way.

5 PRESIDING JUDGE STEINER: What is the -- what is the question you are objecting? I
6 don't see any leading question here.

7 MR HAYNES: Well, if "Sir, did all of the 40 women go on to the ferry-boat" is not a
8 leading question, then I don't know what is.

9 PRESIDING JUDGE STEINER: Mr Haynes, maybe we have different points of view in
10 that respect. You can proceed, Mr Iverson.

11 MR IVERSON: Thank you, Madam President.

12 Q. Sir, where did the 40 women go?

13 A. Those 40 women, well, I said between the water pumping station they were
14 removed of their valuables and then they were pushed towards the ferry by some militia.
15 Then they were raped, they did -- they had their way with them, and I'm saying that the
16 pumping station isn't very far from the ferry, so this happened underneath the mango
17 trees and in the intervals separating the pumping station from the ferry. So when they
18 finished, those who were on the ferry, they did what they wanted to do with the women
19 and then all of the women were in front of us exhausted.

20 Q. You say that -- you describe a lot in very few sentences, and so I'd like to break that
21 down. You say that they were raped. Can you tell the Court what you mean by that?
22 How many of the women were raped? Where were they raped? Can you give the
23 Court some information about the rape?

24 A. The rapes, well, the rapes occurred under the mango trees, below the ferry, in that
25 gap, so below the mango trees and below the ferry-boat that is where the rapes occurred.

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1 Q. How many rapes occurred? How many women were raped?

2 A. I can tell you that from among the number who came, all of those women were
3 raped. It was difficult to take it all in on that day. Someone raped one woman, then
4 moved on to the next. They handed them on to each other. That's what happened on
5 that day.

6 Q. And again I know this is unpleasant, but could you please describe for the Chamber
7 what you mean by "rape"? When you say "rape," what do you mean? What happened?

8 A. Your Honour, your Honours, well, when you're talking about rape, what is it? It's
9 a sexual act carried out without consent. This poor woman is brutalised, beaten, pushed
10 to the ground. Her clothes are ripped from her forcibly. The militiamen took out their
11 penis and started to sleep, to have sex with those women. All of this is in pushing and
12 shoving, cries, shouts. You can imagine how it happened.

13 Q. Do you know whether there was any penetration? Did the militiamen penetrate
14 with their penis?

15 A. Yes, yes, they penetrated them, because at the end on the ground you could see the
16 sperm. You could see all sorts of stuff on the ground. Yes, there was penetration, you
17 could see that. These women were soiled. When I said to them, "Be brave," I could see,
18 and it's hard for me as a man to describe all of this to you. I'm not happy having to do it.
19 PRESIDING JUDGE STEINER: Mr Iverson, I think no more details are needed.

20 MR IVERSON:

21 Q. Sir, you mentioned observing a body in the water. What can you tell the Chamber
22 about this body that you observed in the water?

23 A. It was a woman. While all of this agitation was going on I said that there was no
24 shortage of shooting, and it was in that context that the woman was hit by a bullet and fell
25 into the water. Three days later her body came up to the surface just along the banks,

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1 among the foliage.

2 Q. Sir, did you actually see the shooting or did you see the woman as she was being hit
3 by a bullet?

4 A. Let me say the following: There was no shortage of shooting. There was too
5 much gunfire. It was intimidating everybody. There was just too much shooting, and
6 it's among all of the shots that were fired that that poor woman was hit by a bullet.

7 Q. Do you know whether her being hit by a bullet was deliberate, meaning somebody
8 meant to shoot her, or whether it was random bullets, an accident?

9 PRESIDING JUDGE STEINER: I was waiting for you, Maître Liriss.

10 MR LIRISS: (Interpretation) Your Honour, I expect the witness to tell us what he saw,
11 what he heard, but not what he supposes.

12 PRESIDING JUDGE STEINER: Maybe Mr Iverson can rephrase the question.

13 MR IVERSON:

14 Q. Sir, why was she shot?

15 A. Let me say the following: Here we're in times of peace, but among all of the
16 agitation that occurred there was a lot of shooting. The militiamen were firing off their
17 guns in order to intimidate all of those poor women. They did it to intimidate them.
18 And if that poor woman was hit by a bullet, she was hit and died.

19 Q. Do you know who fired the weapon that released the bullet by which she was hit?

20 A. Let me say that those militiamen were armed, and they were constantly firing to
21 intimidate all of the women who were there. There was panic. She panicked, and one
22 of the militiamen must have fired at her and she was hit by the bullet.

23 Q. Where were the militiamen from the MLC firing their weapons to intimidate all of
24 the women? In what direction were they firing?

25 A. The militiamen were below the mango trees, there were others beneath the

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1 ferry-boat and it's in the gap between the two that everything occurred. I don't know
2 exactly in which direction they were firing. I don't know what they were pointing their
3 rifles at. I just don't know what the positions were.

4 Q. Sir, did you hear the militiamen from the MLC say anything, use any words during
5 this event?

6 A. There was plenty of words. Very often they said that it was thanks to their
7 president, their commander, that they were sleeping with these Central African women,
8 that they had their hands on a Central African girl.

9 PRESIDING JUDGE STEINER: Maître Liriss?

10 MR LIRISS: (Interpretation) Your Honour, I come back to the confirmation of charges
11 issue. This is hearsay and we cannot take account of this.

12 PRESIDING JUDGE STEINER: Maître Liriss, if I may, I would like to keep the objections
13 to the minimum necessary. The Presiding Judge has already mentioned that whatever
14 information the witness is giving now, when confronted to the information given or to the
15 decisions taken at the pre-trial stage, will have -- will have to be considered by the
16 Chamber. I would ask the Defence again to keep the objections to the minimum
17 necessary.

18 Mr Iverson, you can continue.

19 MR IVERSON:

20 Q. Sir, I'd like to move on and talk to you and ask you a few questions about looted
21 goods that you previously mentioned. You mentioned that you took looted goods to
22 Zongo. Can you estimate how often you took looted goods to Zongo?

23 A. The looted goods, well, there were the militiamen on the quayside and they got
24 things ready so that if the ferry was going over to Zongo they loaded all of the looted
25 goods on to the ferry-boat for Zongo. As to the number of times we conveyed those

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1 goods, well, I can't tell you exactly, but there was an awful lot of those looted goods.

2 Q. Sir, could you provide the Chamber with a list of things that you remember
3 transporting; some of the items that you would take from Bangui to Zongo?

4 A. Foam mattresses, television sets, parabolic antennas, DVDs and CDs, mobile phones,
5 receivers.

6 Q. Do you recall at this time, during this 19-day period, ever transporting any
7 automobiles?

8 MR HAYNES: Well, I formally make the objection. That's putting the word
9 "automobiles" into the witness's mouth.

10 MR IVERSON: I can certainly rephrase the question, Madam President.

11 MR HAYNES: It doesn't make much difference now.

12 PRESIDING JUDGE STEINER: The witness can answer.

13 MR IVERSON:

14 Q. Sir, let me ask you again. At any time during this 19-day period, did you transport
15 any automobiles at any time?

16 A. As for the vehicles that I had to transport during that period, they were
17 four-by-fours that I took from Zongo to Bangui and from Bangui to Zongo.

18 Q. Sir, can I ask you about the automobiles that you transported from Bangui to Zongo.
19 Do you remember what automobiles you transported?

20 A. During that period of time I transported on the ferry-boat only a Toyota
21 four-by-four, a Mitsubishi lorry with a cistern on it and the Hilux Toyota.

22 Q. Sir, during the period of October 2002 until March 2003, did you suffer any personal
23 losses?

24 A. Losses in what area, because it could be a number of things?

25 Q. Did anybody close to you die, or suffer any wounds?

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- 1 A. One of my aunts was hit by a bullet. One of my aunts. She was hit in the neck.
- 2 MR IVERSON: Madam President, may I just have a brief moment? Thank you.
- 3 (Prosecution Counsel confer)
- 4 MR IVERSON: Okay, thank you, sir. I've come to the end of my questioning, so again I
- 5 just want to thank you for your co-operation and your focus and your energy.
- 6 Thank you, Madam President.
- 7 PRESIDING JUDGE STEINER: Thank you, Mr Iverson.
- 8 Mr Witness, the Prosecution concluded with his questioning to you. We'll have now our
- 9 lunch break. After the break the legal representatives of victims will put some questions
- 10 to you, they were authorised to put some questions to you, and if we still have time after
- 11 the legal representatives the Defence will start questioning you.
- 12 It's 12.30. We are making a few changes in the scheduling for today's hearing, so we will
- 13 suspend now and resume at 2 o'clock.
- 14 I will ask, please, court usher to take the witness outside the courtroom. In the meantime,
- 15 we will suspend and resume at 2 o'clock.
- 16 (The witness stands down)
- 17 THE COURT OFFICER: All rise.
- 18 (Recess taken at 12.28 p.m.)
- 19 (Upon resuming in open session at 2.08 p.m.)
- 20 THE COURT USHER: All rise. Please be seated.
- 21 PRESIDING JUDGE STEINER: Good afternoon and welcome back. We will
- 22 continue with the testimony of Witness 47. I ask, please, court usher to bring the
- 23 witness in.
- 24 (The witness enters the courtroom)
- 25 PRESIDING JUDGE STEINER: Mr Witness, good afternoon and welcome back.

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1 THE WITNESS: (Interpretation) Good morning, your Honour. Good morning,
2 your Honours.

3 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue with
4 your testimony?

5 THE WITNESS: (Interpretation) Yes. If I become weary then I will ask you to
6 take that into consideration. Otherwise, I will answer to the best of my ability.

7 PRESIDING JUDGE STEINER: Whenever you feel that you need a break, you just
8 let us know. You will be now questioned by legal representatives of victims, starting
9 by Maître Zarambaud? Maître Zarambaud, you have the floor.

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

11 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

12 Q. Mr Witness, good afternoon.

13 A. Thank you, Counsel.

14 Q. Mr Witness, my name is Mr Zarambaud Assingambi. I am a Counsel at the
15 Central African Bar and I am here as a representative - the legal representative - of
16 some victims, alongside Madam Edith Douzima and I will put to you one or two
17 questions that the Bench has authorised or given me leave to put to you. With
18 regards to some of these questions, you have already provided an answer during the
19 questioning of the Prosecution, so I'm going to put one or two further questions based
20 on what you said, the news that you said was a source of concern for us, the news
21 about your family at home, and so I wish to put to you questions that will be very
22 useful for furthering the understanding of the Court.

23 So my first wave of questions pertains to the arrival of the Banyamulengue troops.

24 You stated before the OTP that it was you who went to take them - to collect

25 them - on the Zongo bank to take them to Bangui, so I would like to ask you one or

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1 two questions with regards to how they were dressed, what their foot-wear was, but
2 as I said a little earlier on you have already provided answers to those questions, but I
3 would like one or two clarifications and this leads me to my questions.

4 You said that there were women and men, young people, even very young people,
5 and with that in mind you spoke of young women with babies on their backs and
6 militiamen who were smoking cannabis. Does this properly reflect what you said to
7 the Office of the Prosecutor?

8 A. Yes, Counsel, this does indeed properly reflect what I said to the Office of the
9 Prosecutor.

10 Q. Thank you, Mr Witness. Here is my second round of questions and these
11 questions stem from one or two extracts from your statements, the statements that
12 you provided to the OTP. I will not recall to you the entirety of these extracts, these
13 excerpts. I would just like you to remind the Chamber, because you said that before
14 the crossing you were talking about instructions and can you tell us more precisely
15 the nature of these instructions?

16 A. The last instructions that they received at Zongo, under the mango trees, among
17 the militiamen, the person who was leading these militiamen and that was listened to
18 the most among these militiamen, he said "War is on the other bank. We are
19 Congolese. You have no children, no women, or any relations on the other side, on
20 the farther bank. Everything that you can find on the other bank you can kill. We
21 are in war time and during peacetime they will be able to rebuild their country."

22 Q. Thank you, Mr Witness. In which language were these instructions given?

23 A. These instructions were given in Lingala.

24 Q. Thank you. The person giving these instructions, did he say who gave him
25 those instructions?

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1 A. These instructions came from the mouth of those who is deemed the person that
2 is listened to the most among all the militiamen.

3 Q. Maybe I didn't phrase my question very clearly. I wanted to know whether the
4 person who gave the instructions was conveying instructions that he himself had
5 received from somebody else, or was it -- was he giving these instructions because he
6 was formulating those instructions for the first time?

7 A. The person who was listened to the most couldn't give the -- could only give
8 instructions that he had received.

9 Q. Thank you very much. My second round of questions pertain to the following:
10 The fact that you stated having you yourself transported on your ferry-boat the
11 accused person, Bemba, from Zongo to Bangui, and I think you've already provided
12 answers to that particular question and so I won't be putting it to you once again.
13 The third -- sorry, the fourth set of questions pertains to statements that you made
14 with regard to the way that Banyamulengue were conveyed, so I would like to
15 establish the following: Could you remind the Court by what means the
16 Banyamulengue were transported, the means that you saw with your own eyes?

17 A. The person who was listened to the most among the militiamen, the militiamen
18 on the ground, they had a talkie-walkie, a black talkie-walkie, and by transmitting
19 instructions -- well, to do that they had a megaphone and they also had Thuraya-type
20 telephones. This is what they were equipped with.

21 Q. Thank you very much, Mr Witness. My fifth set of questions pertains to the
22 people that you transported not from Zongo to Bangui, but from Bangui towards
23 Zongo. Now, you stated in particular that when Bemba left, he left with 11 prisoners
24 of war tied up and with bodies that had been lacerated and that you saw one of these
25 prisoners after the events in question in the streets of Bangui and this person had

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1 become mad. So I want to establish this particular prisoner of war, well these
2 prisoners of war, were they all Central African Republic citizens?

3 A. The prisoner of war that was tied up -- well, all these people or these prisoners
4 of war that were tied up were men. They were put on to a Hilux four-by-four. The
5 identity of these particular people is something that I don't know.

6 One of them asked me to give him something to smoke. Seeing these people that
7 had been whipped, by seeing these people I was in a state of panic and I did see one
8 of these prisoners a little later. I saw him in the street and he was in a deplorable
9 state. He was walking along the road and he was -- he had lost his wits.

10 Q. Thank you very much. So you spoke of 11 prisoners of war and we saw -- well,
11 you saw one of these prisoners of war after the fact in the streets of Bangui in a state
12 of simple-mindedness. Did you see any of the others in the streets of Bangui?

13 A. No, that is the person who I saw who was simple-minded. The other ten? No,
14 I couldn't identify them.

15 Q. Thank you, Mr Witness. My second set of questions pertains to the corpses
16 that you claim that you transported from Bangui to Zongo. You stated that the
17 corpses of the dead in the Central African Republic should be buried in the Central
18 African Republic and that these corpses were trampled and pushed back to the other
19 side of the bank.

20 Now, if these were -- were these Congolese or Central African corpses, or were they a
21 mixture of the both?

22 A. These were corpses; corpses that had been cut to pieces. Those that I saw -- the
23 corpse that was wearing rubber boots, that was a militiaman, but with regard to the
24 other corpses to identify them it was a bit difficult.

25 Q. So when they were pushed, when they were not allowed to disembark, when

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1 you weren't allowed to disembark those corpses, you took them back to Bangui and
2 what happened then? When you came back to the Central African shore, what
3 happened to these corpses since they weren't allowed to enter the DRC?

4 A. Counsel, once -- well, once -- well, twice the Zongo authorities said that these
5 Central African corpses shouldn't enter into the Congolese territory and they gave
6 instructions to enable me to take these corpses back. Once I was halfway across the
7 river, Warrant Officer Odon gave me the instructions that I should tip them over the
8 side into the river and that's what happened. Those corpses were tipped over the
9 side into the Ubangi River.

10 Q. Thank you, Mr Witness. My next round of questions pertain to the weaponry
11 used by the Banyamulengue militiamen. Now, in this respect, you also spoke of
12 Libyan troops that accompanied Jean-Pierre Bemba during his crossing of the river.
13 Can you provide more information to the Chamber with regard to the weaponry of
14 the Libyan militiamen and the Banyamulengue militiamen, the Libyan militiamen
15 who accompanied Jean-Pierre Bemba?

16 A. With regard to Jean-Pierre Bemba, when he arrived at Zongo he was
17 surrounded by people ensuring his safety and security and these people were Libyans.
18 You can never forget a Libyan. The Libyans were armed; they had pistols. They
19 had sophisticated communication equipment, a Thuraya system and a satellite case
20 for satellite communications. This is what they had as handheld items, and the
21 militiamen for their part all had Kalashnikovs of differing calibres.

22 Q. Thank you, Mr Witness. My second or my subsequent round of questions
23 pertain to the looted goods. I suggest that I put questions to you with regard to the
24 types of goods that were looted, that have been dubbed "war booty," but you have
25 sufficiently detailed these items in answering questions put to you by Mr Prosecutor,

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1 so I'd just like to establish whether to the best of your knowledge all these looted
2 goods were given back to their owners?

3 A. These war booty or so-called war booty weren't given back to their owners, but
4 these items did indeed cross the Ubangi River and they finally remained in Zongo.

5 Q. Thank you. Once again in the same set of questions, to your knowledge was
6 Mr Jean-Pierre Bemba aware of these items that had been looted?

7 A. I have no idea whether he was informed of that or not. I have no idea.

8 Q. My next set of questions has to do with the various rapes, but I'm not going to
9 ask you the same questions again about this since I believe the Prosecution has asked
10 you a great many questions on this matter and you have provided us with answers,
11 so I will not hark back to the rapes. In a few moments, I will be asking some
12 questions about what happened afterwards, after all this violence and abuse, whether
13 there was any kind of follow-up.

14 Now, regarding the woman who was raped and then shot, on this particular point
15 you have provided us with some answers. You were answering questions from the
16 Prosecutor. My next set of questions - and this will be the last group of
17 questions - include the following: You mentioned your grandmother, who was shot.
18 Could you tell us what were the circumstances? Under what circumstances was she
19 shot?

20 A. She was at home in the 4th arrondissement, not far -- not from her veranda and,
21 you see, a stray bullet hit her and that is how she died.

22 Q. Thank you, Witness. Do you know whether the people responsible for these
23 acts of violence and abuse, you mentioned rapes, you mentioned various items that
24 were stolen, do you know whether the perpetrators were brought before the courts in
25 the Central African Republic, at least in the area that was controlled by Mr Jean-Pierre

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1 Bemba?

2 A. Well, I'm from the Central African Republic. Perhaps they were brought
3 before the courts on the other side of the river, but I really have no idea.

4 MR ZARAMBAUD: (Interpretation) Thank you, Witness, for being so kind as to
5 clearly answering all my questions and I thank the Chamber for allowing me to
6 address the Court. Once again, thank you?

7 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud. I now
8 give the floor to Maître Douzima. Maître Douzima, please.

9 MS DOUZIMA-LAWSON: (Interpretation) Thank you, your Honour.

10 QUESTIONED BY MS DOUZIMA-LAWSON: (Interpretation)

11 Q. Good afternoon, Witness.

12 A. Good afternoon, ma'am.

13 Q. Witness, I'll introduce myself. We didn't have an opportunity to meet at the
14 familiarisation session. I am Marie Edith Douzima-Lawson and I am a lawyer from
15 the Central African Republic and here at this trial I am representing a number of
16 victims of the acts of violence and abuse committed by the Banyamulengue and you
17 had occasion to speak of what happened. Now, given your particular position and
18 the role that you played at the time of the events that are of concern to us, and given
19 the personal interests of the victims that I represent, these interests really are at the
20 very heart of your testimony and this is why I asked for leave to put a number of
21 questions to you.

22 Now, my questions have to do with your statements, both during the investigation
23 that was carried out by the Office of the Prosecutor and also the statements that you
24 gave here when you were giving testimony, when you were answering questions that
25 had been put to you by the Prosecutor; for example, on the hearing of 27 October.

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1 Some of my questions have already been answered through the replies that you gave
2 to the Prosecution, but all the same I would like to focus on a number of points so that
3 you can provide us with further information.

4 Now, Witness, I'll begin with one of your own statements, something you said on
5 27 October. That was a Thursday, and the page is 29, lines 24 to 27. You said the
6 following: "The first time I met the Banyamulengue was when the events occurred
7 when during those very difficult events that occurred in the Central African Republic.
8 That is when I first saw them and learned that or heard that word rather
9 'Banyamulengue'." I am referring to the transcript.

10 On the next page, page 29, line 11, you said and I quote: "I saw them and I
11 transported them across." Now, was that the time, Witness, when you were
12 transporting them? Is that when you learned that they were referred to as the
13 Banyamulengue?

14 A. Yes, Counsel.

15 Q. Now, this led to another question. In very practical terms, were they the ones
16 who said to you that they were called the Banyamulengue, or did you learn this in a
17 different way?

18 A. Well, this word "Banyamulengue," the way you've uttered this word, this
19 frightens me because the first time I saw these men in Zongo they were speaking.
20 They were saying that they were the Banyamulengue and the people on the other side
21 in Bangui didn't know them. They were the Banyamulengue. That is when I
22 learned that they were the Banyamulengue.

23 Q. Now, when they said that they were the Banyamulengue, were they speaking to
24 you, or did they just sort of say it just like that in a casual way?

25 A. When they were speaking amongst themselves, they would say to one another,

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1 for example -- whereas, for example, if we were to assume that this pitcher of water in
2 front of me is a human being, now they would say -- they would say, "The people on
3 the other side, the people from Bangui, they don't know that we are the
4 Banyamulengue." So that is how they spoke. They were speaking amongst
5 themselves. They were saying that they were strong and that they had all this
6 strength that they would unleash upon the people living on the other side of the river.

7 Q. Thank you. Now when you say -- and I am making reference to today's
8 real-time transcript, 31 October. When you say that there was only the MLC
9 militiamen in the capital, page 22, lines 7 to 8, at that particular time where were the
10 FACA forces, the forces of the Central African army?

11 A. Well, at that particular time within the capital of the Central African Republic,
12 more specifically during the time of those events, already there was dissension within
13 the Central African Republic army.

14 Q. You say that there was dissension within the Central African Republic army.
15 Now, where was the army at that particular time?

16 A. The others -- well, you see, Bangui was virtually divided in half. Some were in
17 the 4th arrondissement and the presidential security forces were on the other side. A
18 good part of them, a good many of them, did not have any actual weapons. They
19 weren't bearing weapons.

20 Q. And what about the presidential security forces?

21 A. There was only the presidential security forces when there were weapons, but
22 they were in the minority. There weren't many of them.

23 Q. Thank you, Witness. I'd now like to move on to something else, namely, a
24 statement that you gave during the investigation and a statement that you gave to the
25 OTP investigators in Bangui and this is CAR-OTP-0028-0409 at page 412, and when

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1 mentioning the intimidation and the terror that the militiamen had created when they
2 were talking to the women and the men that they raped, you said that they had said,
3 and I quote: "Obey, or I will kill you, or obey or you will fall silent for once and for
4 all."

5 Now, you also said that they even hinted that their father so to speak, Patassé, had
6 said that they had to deal with you for once and for all and that is why their elder
7 brother, Jean-Pierre Bemba, had brought them here. What language were they
8 speaking when they said these things?

9 A. They were speaking in Lingala.

10 Q. Witness, now on the 28th, last Friday, at the hearing, real-time transcript page
11 15, lines 20 to 27, you stated the following, you said this: "Your Honours, you see,
12 there was a slogan within the capital of the Central African Republic in Bangui that all
13 men had to flee. Your Honours, everyone here in the Court, during those 19 days
14 the people of the Central African Republic were not present in Bangui. Everyone
15 had fled and I am telling you this before this Court. Everyone in the capital had
16 fled."

17 So I would like to ask you where did people flee to?

18 A. Well, the people who had been able to go to the south, or people who had been
19 able to cross the bridge at PK9, they were saved. The people who had been able to
20 cross the M'Poko River at the old road - the southern road - they too were spared.
21 They were saved. The people who were more to the north, to the west, if they were
22 close to Sibut or on the hills, they too were spared. Those who were more towards
23 the east, if they had been somewhat above 80 kilometres they too were all right
24 because, you see, there was gunfire everywhere. You could hear gunfire
25 everywhere.

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1 Q. Now, does this mean that these people took refuge in the hinterland, in the back
2 country?

3 A. Yes, ma'am.

4 Q. Witness, during the investigation, reference OTP-0028-0459, page 0463, you said
5 that you had gone to Mongoumba and this was at the place where Lobaye River and
6 Ubangi River flow together. Now, when did you actually go to Mongoumba to this
7 place where these rivers meet?

8 A. After doing the dirty work that they did in Bangui, the technical director,
9 Mr Christian Martin, my technical director, he said to me to take the wheel cart,
10 wheelbarrow, and to go directly to Mongoumba, and so that is how it came to be that
11 I went to that particular place, the mouth of the rivers in Mongoumba.

12 Q. Now, could you give us any idea what the time-frame was, what month that
13 was?

14 A. Well, what I have in mind, the idea in my head, that was almost at the time of
15 the arrival of the general in power.

16 Q. You have just told us that a general had arrived. Which one?

17 A. The current Head of State.

18 Q. Do you remember that date?

19 A. He came to power on 15 March.

20 Q. What year was that?

21 A. 2003, I believe.

22 Q. Thank you, Witness. Now, once again making reference to that same page,
23 you stated that at 10 in the evening there were 11 vehicles, four-by-fours, the same
24 sort of vehicle as what had crossed over and they got to the dock and some of them
25 were full of militiamen who were speaking Lingala and they were speaking in a very

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1 authoritative sort of way.

2 You answered the Prosecutor's investigators, saying that you understood Lingala, and
3 you said to them on 27 October, page 19, lines 15 to 21, you said -- and then also on
4 the hearing of last Friday, 28 October, page 21, line 22, you said the following: "They
5 spoke to me in Lingala and they spoke in a very authoritative way and they had
6 weapons."

7 So why did these Congolese militiamen know that you spoke Lingala? Why did
8 they know that? So why were they speaking to you in Lingala?

9 A. Well, they spoke that way. Just like me, the first time I came to The Hague I
10 spoke to someone, but just in French. So these militiamen, the only language they
11 spoke was Lingala. They had no choice. They only had to speak Lingala.
12 Whether you understood or not, well, you had to -- you had to do what they told you
13 to do.

14 Q. I understand. Now, speaking of the militiamen, what did they do when they
15 got to Mongoumba?

16 A. In the town of Mongoumba, when those militiamen arrived, it was a scene of
17 looting. They looted the town of Mongoumba. They went door-to-door, breaking
18 down those doors this way, that way, here, there. All the doors of the houses from
19 the river all along there, all those houses were broken into and looted.

20 Q. Did they also rape people, as they did in Bangui?

21 A. As they went about their rape, well, they killed a father, a person who was
22 living there in his compound. He was quite an old man. He couldn't flee and they
23 shot him in his compound.

24 Q. How long did you spend in Mongoumba?

25 A. Well, on average I would say 60 days. 60 days in Mongoumba.

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1 Q. And after Mongoumba, where did you go?

2 PRESIDING JUDGE STEINER: Mr Witness, you don't have to say where you went
3 to if that could identify the place where you or your family live.

4 Maybe it would be better, Maître Douzima, if you rephrase your question.

5 MS DOUZIMA-LAWSON: (Interpretation) Of course, your Honour.

6 Q. Did you stay in Mongoumba until the general took power?

7 A. In my opinion, yes.

8 Q. On that same page, you said that the militiamen from -- went towards the
9 capital. Did you see them heading off in the direction of the capital, heading
10 towards the capital?

11 A. They were on their way towards the capital, or they were fleeing because -- at
12 that time they were fleeing.

13 Q. All right. You were saying they were fleeing, heading towards the capital.
14 Did you see them fleeing towards the capital, those militiamen?

15 A. Yes, they were fleeing. They were trying to find any way out, any way to get
16 out of there.

17 Q. Did they take their war booty with them?

18 A. As they fled, they were taking those looted goods with them. Yes, those goods
19 were with them. They fled with those things.

20 Q. What kind of things did they take? What kind of war booty, spoils of war?

21 A. Well, foam mattresses, television sets, satellite dishes, radios. Those were the
22 kinds of things that they took and left with.

23 Q. Vehicles as well?

24 A. Yes, ma'am. At Mongoumba they took some of the vehicles belonging to
25 missionaries who were based there, as well as other vehicles that they may have taken

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1 from Bangui, and they loaded them up in boats and then crossed the river by boat.

2 Q. Now, Witness, just to conclude, on 28 October, last Friday, real-time transcript
3 page 27, lines 11 to 18, you made the following statement, Witness. You said this:

4 "I'll be specific. Everyone who was in the militia, there wasn't a single corporal
5 amongst them. There wasn't a sergeant. There wasn't a warrant officer. They
6 were all commanders." Witness, did you hear the name "Commander Mustapha"?

7 A. As I told you, amongst all those militiamen every one of them was a
8 commander. Mustapha was fleeing to the south. He was fleeing towards the south
9 of the Central African Republic at that time.

10 Q. So that is to say you met him?

11 A. Yes, ma'am.

12 Q. Did you know what role he played at the time of the events?

13 A. At the time of the events, well, I don't really know what his role was, but when I
14 saw him he had a military uniform, he had a weapon and he had the four-by-four.

15 Q. How did you know that it was Commander Mustapha?

16 PRESIDING JUDGE STEINER: I was waiting for you, Mr Haynes.

17 MR HAYNES: Well, I have let it go as long as I can, but we are so far off script now
18 that I've stopped trying to follow it. This doesn't arise from the transcript of the last
19 few days. If Ms Douzima-Lawson had wanted to ask questions about the role of
20 Commander Mustapha, she should have asked for leave to do so and she didn't.

21 PRESIDING JUDGE STEINER: I agree, Ms Douzima, that we are going too far from
22 the transcript let aside the questions for which you were authorised to put to the
23 witness, so unless you have very good explanation for that I think we should stop
24 here.

25 MS DOUZIMA-LAWSON: (Interpretation) Your Honour, it's the answers that are

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- 1 given to me by the witness that are leading me to put these questions, but I'm entirely
2 satisfied with the answers he has given me and I will leave it at that.
3 Thank you, your Honours, and thank you, Witness, for having been good enough to
4 answer all of my questions.
5 THE WITNESS: (Interpretation) Thank you.
6 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima.
7 Mr Haynes, is the Defence willing to start?
8 MR HAYNES: Yes, we are. I wonder if you could just clear something up for me
9 and that is, are we going for a half-an-hour or 40 minutes from now?
10 PRESIDING JUDGE STEINER: We will adjourn at quarter-to-4.
11 MR HAYNES: Thank you. Would you just give me a second to set myself up?
12 QUESTIONED BY MR HAYNES:
13 Q. Well, good afternoon, sir.
14 A. Good afternoon.
15 Q. Let me introduce myself. My name is Peter Haynes and I am one of the
16 counsel who represents Jean-Pierre Bemba. Do you understand what my role is?
17 A. Yes, I do.
18 Q. And before we go any further, I just want to check with you that you feel
19 comfortable and well and ready to continue asking my -- answering my questions this
20 afternoon?
21 A. To the extent possible, yes, but if I feel tired I will ask the Presiding Judge for a
22 break.
23 Q. Well, as you probably just heard the Presiding Judge and myself discussing,
24 there is about 35 or 40 minutes left this afternoon. Do you think you can manage
25 that, or would you like to give up for the day now?

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1 A. Perhaps it would be better to adjourn.

2 PRESIDING JUDGE STEINER: You almost replaced the Presiding Judge,
3 Mr Haynes.

4 MR HAYNES: I perhaps walked onto that punch. Well, with the greatest of respect,
5 your Honour, I will leave you to resolve this problem that I have created.

6 PRESIDING JUDGE STEINER: Mr Witness, we have as Mr Haynes said -- we still
7 have 35 minutes until the moment we are supposed to adjourn. If you are feeling
8 tired, we can just suspend for today and Defence will start tomorrow morning, or we
9 can have half-an-hour now and we will continue tomorrow morning. Since
10 Mr Haynes gave you the alternative, I am asking you now what you prefer?

11 THE WITNESS: (Interpretation) Well, I took him literally. If he had given me the
12 alternative expressed as a conditional, then my preference would be to adjourn here
13 and to come back tomorrow.

14 PRESIDING JUDGE STEINER: A break now, a short break, is that correct?

15 THE WITNESS: (Interpretation) Just before, when he was assuming your role, he
16 asked whether or not I could continue and it's now up to me to choose and I say I'm
17 tired. Can we start again tomorrow?

18 PRESIDING JUDGE STEINER: If this is what you refer, we are going to adjourn for
19 today. Thank you, Mr Haynes. We are going to adjourn for today. You can take
20 your time, you can take some rest and we will start tomorrow morning, no problem at
21 all. As we said at the beginning of this hearing, we would ask you if you feel tired,
22 or distressed, or for any reason, we can have our break.

23 Since now we don't have time any more for just a break, we are going to suspend and
24 we will resume tomorrow morning. Is that fine with you?

25 THE WITNESS: (Interpretation) Thank you, your Honour. That's fine with me.

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1 PRESIDING JUDGE STEINER: Therefore, we are going to adjourn for today. I
2 thank very much the Prosecution team, legal representatives of victims, Defence team,
3 Mr Jean-Pierre Bemba Gombo. I would like to thank very much our interpreters and
4 court reporters. Mr Witness, thank you for your -- for being here and continuing
5 with your testimony. You can now take some rest, take some time for yourself.
6 I know that there has been a very difficult day after a difficult weekend and we hope
7 that tomorrow morning you are feeling better, less anxious and then we can start with
8 the Defence questioning.

9 I ask, please, the court usher to take the witness outside the courtroom.

10 (The witness stands down)

11 PRESIDING JUDGE STEINER: The hearing is adjourned.

12 THE COURT OFFICER: All rise.

13 (The hearing ends in open session at 3.11 p.m.)

14 RECLASSIFICATION REPORT

15 Pursuant to Trial Chamber III 's Second Order, ICC-01/05-01/08-2223, dated 4 June
16 2012, and the instructions in the email dated 4 June 2014, the version of the transcript
17 with its redactions becomes Public