

Trial Hearing
Witness: CAR-V20-PPPP-0002

(Open Session)

ICC-01/05-01/08

- 1 International Criminal Court
- 2 Trial Chamber III - Courtroom 1
- 3 Situation: Central African Republic
- 4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
- 5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
- 6 Trial Hearing
- 7 Monday, 7 May 2012
- 8 (The hearing starts in open session at 9.33 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. Good morning. Could, please, court
- 14 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. Good morning. I welcome the
- 18 Prosecution team, legal representatives of victims, the Defence team, Mr Jean-Pierre
- 19 Bemba Gombo. Good morning and welcome our interpreters, our court reporters. We
- 20 will continue this morning with the questioning of Witness V2 and for that purpose I ask,
- 21 please, court usher to bring the witness in.
- 22 (The witness enters the courtroom)
- 23 WITNESS: CAR-V20-PPPP-0002 (On former oath)
- 24 (The witness speaks Sango)
- 25 PRESIDING JUDGE STEINER: Good morning, Mr Witness. Monsieur Judes.

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

2 PRESIDING JUDGE STEINER: Did you manage to rest during the weekend?

3 THE WITNESS: (Interpretation) I don't know the country. I didn't know anywhere
4 to go, so I just stayed at the house and I was able to rest there.

5 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony,
6 Monsieur Judes?

7 THE WITNESS: (Interpretation) I'm ready.

8 PRESIDING JUDGE STEINER: Monsieur Judes, before I give the floor to Maître
9 Zarambaud, who is going to put some questions to you, I need to remind you that you are
10 still under oath. Do you understand that, monsieur?

11 THE WITNESS: (Interpretation) I understand, your Honour.

12 PRESIDING JUDGE STEINER: I also wanted to remind you, monsieur, that we need
13 you to speak slower than normal in order to allow the interpreters to do their job and that
14 before answering to any question you wait about five seconds - you count to five - because
15 this is the time needed for the interpreters and court reporters to finish the translation of
16 the question.

17 If at any time, monsieur, you feel tired or distressed, or for any reason you need a break,
18 you just please let us know and we go into as many breaks as you need. Do you
19 understand that, sir?

20 THE WITNESS: (Interpretation) I understand that well, your Honour.

21 PRESIDING JUDGE STEINER: Thank you very much, sir. I'll give the floor to Maître
22 Zarambaud. You have the floor, Maître.

23 MR ZARAMBAUD: (Interpretation) Thank you very much, your Honour. Thank you,
24 Judges.

25 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

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1 Q. Good morning, Mr Judes.

2 A. Good morning, Counsel.

3 Q. Unfortunately, I didn't have the opportunity with the familiarisation session to be
4 there, otherwise I would have been able to introduce myself to you, so I would like to
5 introduce myself now. I am Counsel Zarambaud Assingambi. I am a counsel with the
6 courts and tribunals of the Central African Republic, and here I am the legal
7 representative of victims.

8 The Chamber has given me leave to put certain questions to you. I won't have to ask you
9 all of them because most of them have already been put by Counsel Douzima Lawson.

10 The Chamber has also made all the useful recommendations, such that your testimony is
11 done in the best conditions and everything that you say is correctly transcribed. I
12 therefore will not need to repeat these recommendations to you.

13 So my first question will be put on the basis of your statement, and this is the statement on
14 page CAR-V20-0001-0018 of your statement, and it's the paragraph entitled "Factual
15 background," and this is what you said at the time, and here I'm quoting you: "During
16 the year of 2012, I forget the month, Bozizé's rebels came to establish themselves in Sibut,
17 and during the same month the Banyamulengue burst in from Damara and started
18 opening fire at the entry of the town and killed a person."

19 My question is therefore the following: Was there fighting in Sibut between Bozizé's
20 rebels and the Banyamulengue troops?

21 A. No, there wasn't fighting.

22 Q. This is a bit of a follow-up question: How many times had Bozizé's rebels come to
23 Sibut?

24 A. Bozizé's rebels came to Sibut. They went through Grimari, Dekoua, Bandoro, so
25 they were used to going between those localities. They hadn't set themselves up in a

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1 stable way in Sibut.

2 Q. Thank you, Mr Judes. The second series of questions I'd like to put to you is as
3 follows: Do you know the name of the person who the Banyamulengue killed when they
4 entered into Sibut?

5 A. I don't know the name of this man. He was allied to my father. I had the
6 possibility to see his body.

7 Q. Thank you very much, Mr Judes. You also stated that the Banyamulengue, and
8 here I quote you, "They laid waste to furniture, buildings, and they took cattle, poultry
9 and they robbed people who were in their path," end of quote.

10 Now, my question is as follows: Had you, or were you, personally a witness of this, or
11 an eyewitness of such incidents?

12 A. Well, I was present. We were all in the locality. The animals, domestic animals,
13 were eaten by them, and the foam mattresses, the clothes, they were transported to Possel.
14 They drove all the domestic animals from the locality and they used, for example, door
15 frames and window frames to -- as fire-wood in order to cook the animals that they drove
16 away.

17 Q. My next question is as follows: It's a follow-up question, and don't be concerned if
18 here we are before a Court so all the details have to be given here. And my question is as
19 follows: This livestock, this poultry that you talk about, was it taken by the
20 Banyamulengue with the agreement of the owners of this livestock and poultry?

21 A. I don't see what agreement you can speak about, because the men were armed.
22 There was no possible discussion, or possible agreement, that -- or they were taken by
23 force. It wasn't with the agreement or permission of the owners of these goods.

24 Q. Thank you very much, Mr Judes. In the same reference that I gave a moment ago
25 you spoke about a priest who was killed, as well as the rapes, and here I quote, "... of a lot

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1 of women and young girls, including a woman who had just given birth in the presence of
2 her husband," and you also added that it was often a case of collective rape. My first
3 question is --

4 PRESIDING JUDGE STEINER: I am sorry if I have to interrupt you. This reference to a
5 priest that was killed has been rectified by the witness in the document
6 CAR-V20-0001-0128. So he says that he referred to a man that was killed, and not a
7 priest, so just for reminding you of the rectification document.

8 MR ZARAMBAUD: (Interpretation) Thank you very much, your Honour. That is
9 exactly right.

10 Q. So my first question is, therefore, were you an eyewitness of these incidents?

11 A. Concerning the girl who was raped, the one who came out of the maternity unit,
12 that was around (Redacted) (phon) house. When she came out of the hospital, this girl,
13 as well as her mother -- because (Redacted), who was also the head of
14 the family, participated in this, or saw this rape of the woman as well of his girl. The
15 (Redacted) was correctly beaten up, and afterwards they were taken to the
16 hospital and it was on that occasion that I had the -- or it was in that -- then I saw that the
17 body of the man who had been killed and I followed all these incidents. I saw the body
18 at the hospital. I also saw the girl, who was still bleeding and who had been raped. It
19 was unbearable, completely unbearable. These men behaved like animals.

20 Q. Thank you very much. Do you know the man who was killed?

21 A. I think I told you that this man was allied to my father, and I went to the hospital
22 and I saw his body. The son of this man worked in the hospital. This girl received
23 compensation, I don't know who provided that compensation, and she recovered the
24 house of her father.

25 THE INTERPRETER: The interpreter corrects: It wasn't allied to, but related by

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1 marriage to.

2 MR ZARAMBAUD: (Interpretation)

3 Q. Thank you very much, Mr Jude. As I read a moment ago, you said that it was
4 often collective rape. Where did this collective rape take place?

5 A. That happened in the house that they had occupied, at the houses from which the
6 owners had been driven out. Well, I can give you an example. There was (Redacted),
7 (Redacted) (phon), the house of a (Redacted). Having driven out the owner of
8 the house, they used it in order to rape the young girls. Some of them came out, ran out,
9 totally naked in order to flee towards the hospital, and others were spitting out sperm.
10 That wasn't told to me. I went to the hospital and I saw with my own eyes these cases.
11 There was no authority. The doctors had fled. Only the inhabitants helped. In the
12 area there were -- there were no longer the officials. There was the -- there were no
13 longer the officials, or Red Cross volunteers, who could provide help to the inhabitants of
14 the locality.

15 Q. Thank you very much, Mr Jude. I was going to ask you a question as to how you
16 knew that collective rape had been carried out, or perpetrated, in the houses which were
17 occupied by the Banyamulengue, but you've answered that question, stating that at the
18 hospital you saw the victims arrive, some of them were bleeding and some of them were
19 spitting out sperm, and by way of consequence I don't need to put that question to you
20 again.

21 Now, you also stated - and this is also in this passage in your statement - that, according
22 to the chief of the Banyamulengue, Patassé had ordered them to come to burn Sibut
23 because the inhabitants here are rebels. My question is as follows: Were you able
24 thereafter -- after the departure of the Banyamulengue, therefore, were you able thereafter
25 to check that -- whether Patassé had indeed given them such an order?

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1 A. I couldn't be aware of the instructions concerning the burning of the town. It was
2 he himself who had announced that by megaphone during the meeting which was held in
3 the town hall. He said that Patassé had said that everybody was a rebel in Sibut and they
4 had received instructions to burn the town, but once they were in the field they'd seen that
5 the situation was different and that's the reason why they did not burn the town and they
6 informed us that the president was coming, without giving a precise date of arrival.

7 THE INTERPRETER: And the interpreter corrects: Page 7, line 24, is only officials and
8 the Red Cross were aiding, as a correction.

9 MR ZARAMBAUD: (Interpretation) Thank you very much. My next series of
10 questions relate to your statement according to which Mr Bemba arrived in Sibut by
11 helicopter. I have different questions aimed at finding out how you were able to arrive
12 at this opinion, that this person who had come was indeed Bemba, if you'd already seen
13 him before, but you've already answered this question that was put to you by Counsel
14 Douzima Lawson and, as a consequence, I shall not ask you this again. And also I have
15 finished, your Honour, and I would like to thank you.

16 THE WITNESS: (Interpretation) I'm sorry, I have a comment relating to the video
17 that was produced yesterday. My question is to know whether this video was shot by
18 Central African journalists or by Zairean journalists? You see, during the events there
19 was no movement between Bangui and Sibut. Bemba had come for a given period, and
20 yesterday I saw a video in which it was said that the inhabitants of Sibut were thanking
21 the Banyamulengue, but those of us who are natives of Sibut, we did not say that. We
22 never said that.

23 The lady who was interviewed was from Chad, the other person was from Cameroon, and,
24 you see, I think that when a story of this nature is to be told the inhabitants of the locality
25 should be called to the mayor's office for the right information and so that they can

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1 express their own opinions as well. So I saw that video which seems to have been shot
2 by people in an unknown location to say all types of things. That is why I'm asking
3 whether the person who produced that video is a Central African or a Zairean journalist?

4 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud. Mr Witness, these
5 videos that were shown to you last week were not put in the case file by the legal
6 representatives of victims, so the legal representatives of victims have no information at
7 all on when and how those videos were recorded.

8 When it's time for the Defence, or the Prosecution first, to put questions to you they may
9 refer again to the video but for you, as a witness, it's not important to know who made the
10 video. This is for the Judges to consider at the end of the case. The Judges will analyse
11 the origin of the video.

12 Now, Mr Witness - Monsieur Judes - you are going to be questioned by the representative
13 of the Office of the Prosecution. So, please, you introduce yourself to the witness. You
14 have the floor.

15 MR ZENELI: Thank you, your Honour.

16 QUESTIONED BY MR ZENELI:

17 Q. Good morning, Mr Judes. We had the chance to meet very briefly and I introduced
18 myself to you. I'll just repeat my name. I'm Shkelzen Zeneli; I am working with the
19 Office of the Prosecutor and I will be asking you some questions on behalf of the
20 Prosecution.

21 Now, I'm not going to repeat what the Judge has informed you of, the procedure, the slow
22 pace with which we need to communicate with each other, but I will simply kindly ask
23 you that whenever my questions sound as repetitions please do not take offence at them.
24 It is not that we are doubting the truthfulness of your testimony, it is simply that we want
25 to gain all the information that you know, you witnessed, or saw yourself for the crimes

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1 that happened in Sibut by the Banyamulengue so that we can thereafter make use of them.

2 Do you understand?

3 A. Yes, I do.

4 PRESIDING JUDGE STEINER: Mr Zeneli --

5 MR ZENELI: Yes, Madam President

6 PRESIDING JUDGE STEINER: -- I also want to remind you to speak slowly.

7 MR ZENELI: Slowly, ma'am. Thank you, Madam President.

8 Q. Mr Jude, now, the first day of your testimony, you mentioned that you go to Aneb
9 church and that you are a deacon. Can you tell me what position that is within your
10 church?

11 A. I am a deacon.

12 Q. Is this a position of authority in your church, in your community?

13 A. A deacon is someone who looks after the welfare and the property of the church.

14 Q. Other than that, what does a deacon do within your church?

15 A. A deacon may replace the pastor when the pastor is absent. The deacon also
16 provides spiritual counselling to the church, so the authority who is next in line after the
17 pastor in a church is a deacon.

18 Q. Thank you, Mr Jude. So would it be fair to conclude that because of your position
19 you're a respected figure within your community?

20 A. A deacon is an adviser, a counsel. If a couple has problems the deacon seeks to
21 reconcile the couple, and the deacon also settles disputes in a community. Where there is
22 a misunderstanding in a family, the deacon intervenes to restore harmony. So the duty
23 of a deacon is one that is very highly respected in our community.

24 Q. Thank you, Mr Jude. I'd like to now move briefly into the area of your knowledge
25 of the Bozize's rebels present which, as you told us, were in Sibut for one week -- I'm sorry,

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1 I correct myself, were in Sibut for two weeks and left one week prior to the arrival of the
2 Banyamulengues. Mr Jude, can you describe us, as best as you can, the Bozizé's rebels'
3 clothing or military equipment?

4 A. Thank you. Bozizé's rebels did not wear a military uniform. The Bozizé rebels
5 were not settled or stable in Sibut. They were on the Grimari-Dekoua road and they
6 moved along those stretches. They were not based in Sibut. They did not have any
7 fighting gear or equipment, so they were operating -- or, rather, since the Banyamulengue
8 were operating in Damara, they preferred to move to Dekoua one week before those
9 people arrived. They did not have any military uniforms. They wore jeans, shorts, and
10 they wore various types of attires. And they had some vehicles, I can confirm that.

11 Q. Thank you, Mr Jude. Let's move briefly to the Banyamulengues. Mr Jude, you
12 told us that other than the Kalashnikovs which some of the Banyamulengues had -- and
13 for the parties and your Honours, I would like to make the reference at transcript 222, the
14 English edited version, page 48, line 10. So apart from the Kalashnikovs, did they have
15 any other military equipment? Heavy weapons, vehicles?

16 A. Thank you. Yes, they had Kalashnikovs. One Banyamulengue could even have
17 up to two weapons on himself. They had heavy weapons mounted on tripods. I also
18 noticed that they had three vehicles, a Land Rover pick-up, and they also had several
19 other vehicles that were broken down and they had a lorry with the steering wheel on the
20 right. I saw them also with a weapon mounted on wheels that was being pushed. They
21 also had one weapon which could burn down a house, but I can confirm that they had
22 several Kalashnikovs. You could see the cartridges of the Kalashnikovs strewn around
23 the place, and after they left we were asked to pick up those cartridges and dump them in
24 the Tomi river.

25 MR ZENELI: Madam President, your Honours, and if the parties also agree, is it

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1 possible for me to give the references at the start of the question so that not to interrupt
2 the thought for the witness? Thank you. So the next reference that I would like to make
3 use of the information that we received from Mr Judes is edited version of the transcript
4 222, page 48, line 13 to 14.

5 Q. Mr Judes, you also told us that the Banyamulengues entered Sibut town by firing
6 and that there were gunshots everywhere. You also told us that Bozizé's rebels, as we
7 said, had already left one week prior to Banyamulengue's arrival. You also told us that
8 there were no authorities present.

9 Now, Mr Judes, who or at what were the Banyamulengues firing when they entered
10 Sibut?

11 A. Thank you for the question. When they got to SOCADA, they did not fire at
12 anyone. Everybody had fled. They simply fired along the road, as they moved on.
13 They fired their heavy weapons, they fired their Kalashnikovs and weapons were firing
14 all over the place. One of the groups went towards the Catholic school, and that was in
15 our direction. I was still in my shop, so I closed my shop and went home. By the time I
16 got home, my wife and my children had already fled to Kanga. There was a bridge in
17 our area and we used that bridge to cross over to the JPN. Gunshots were heard all night
18 long until five o'clock in the morning when they stopped.

19 Then they called on the population and informed them that they were in fact liberators
20 and that there was nothing to fear. There was no danger. So I came out myself at about
21 9 a.m. The only thing we noticed was that all the doors had been broken down and we
22 saw the wreck of equipment that had been destroyed. I still have the -- one of my
23 machines which was destroyed and I still have it in my possession. The property, or
24 items, collected were stocked, and I did not dare to go near that area.

25 You see, what they did was to force people to buy back pillaged items, so to be very

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1 honest with you there was never any fighting between the attackers and Bozizé's rebels
2 because Bozizé's rebels had gone to the Sokambi Inn and thereafter took off. What I'm
3 saying then is that those rebels were no longer in Sibut.

4 Q. Thank you, Mr Judes. So if I understand you correctly, when the Banyamulengues
5 were shooting and firing in the Sibut town, it was only the civilians - only the
6 population - that was present; am I right?

7 A. I think I already told you that the population had fled by way of the bridge and the
8 refugees had also fled, or rather people had sought refuge in their farms which generally
9 in our area are ten to 15 kilometres away from home. The other figures of authority, like
10 the brigade commander, the company commander, had also fled to seek refuge, and only
11 the civilian population was left in the neighbourhoods.

12 Q. Mr Judes, let's talk about the pillaging, and before I ask you the question I'll just
13 mention the references to the information that I will refer to. Your Honours, it's English
14 edited transcript 223, at page 39, lines 2 through 15; page 46, lines 22 and 23; and page 44,
15 line 3.

16 Mr Judes, you told us that, "The Banyamulengues did not spare a single house in Sibut.
17 All the doors were broken, cotton or foam mattresses were taken and cotton mattresses
18 were torn open as they looked for money. They looted items. These items were
19 deposited at a location and those of us who were owners of the property could not do
20 anything. The Banyamulengues left with our property. They looted the town and Sibut
21 population lost all their possessions."

22 Now, just so that we are clear, when did this take place?

23 A. On 24 February 2003. That is the date on which those events took place. They
24 entered Sibut at 13 hours. As for the pillaging, three vehicles were used to take looted
25 property to Possel. Items of a lower value were kept and local inhabitants were forced to

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1 buy those items. I am able to, or rather I have already given you the list of all the
2 neighbourhoods that were pillaged, starting from the central market to Tomi, to my area,
3 then to Adaman (phon), to Muslim 1, Muslim 2 and Muslim 3, to Mbrés, to Sara, Bimaba
4 and Darba 1 and Darba 2, Bala and four other groupings, and I could also add Brazza,
5 Koda, before crossing over, so the surface area was broad enough.
6 In all this area, all the houses were -- all the doors of the houses were broken and all the
7 houses were pillaged. The only area which was spared was in the lycée, or the high
8 school, towards Barango. Those are the only houses that were spared, the houses in that
9 neighbourhood.

10 Q. Mr Judes, where is Possel, the place where they took the looted items?

11 A. Thirty-eight kilometres from Sibut. That is after Galafondo, you go in this direction.
12 Then you use the barge, or ferry, to get to Possel. This is the way back to their country,
13 because Possel is on the border with the other side of the river, so it is on the border with
14 their country. There were gendarmes posted in that area. However, they opted to take
15 refuge on the other side because the area was not very safe and secure.

16 Q. Again, Mr Judes, I'll ask questions that might sound as repetitious, so please don't
17 take offence. It's simply to clarify the basis of your knowledge. My question is whether
18 you saw the looting yourself, whether you saw the transportation of the looted goods
19 yourself, or whether you were told by others? Can you clarify that for us?

20 A. Thank you. When we came out in the morning we went to Kanga, and we saw
21 them loading those vehicles. They had produced some boxes or trunks into which they
22 had packed the hunting weapons. Items of lesser value were kept and the inhabitants
23 were forced to buy them. The Red Cross workers came to our area. We told them what
24 had happened. They took the names of victims and left.

25 Then there was a white lady who called us at the Catholic church and there were about

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1 1,000 victims who showed up. Some lawyers from our area also came to the area and
2 took a -- and made -- drew up a list of victims but there were not enough forms for all
3 victims. Some of them were discouraged and went back home. So, you see, these
4 things that I am narrating to you were not told to me. These are things that I saw myself
5 with my own eyes. When the lawyers came to our area I provided them with all this
6 information.

7 Q. I will ask you a few questions on the lawyers a bit later but just so that we are
8 focused with the information, could you tell us whether the pillaged - looted - items were
9 ever returned to their owners? And again, Mr Witness - Mr Judes, I'm sorry - I know you
10 told us that the Banyamulengues forced you to buy some of those items back, so what I'm
11 asking is for you to simply focus on whether you know of any cases in which those items
12 were returned.

13 A. The Banyamulengue never gave back any items. The items that they forced
14 inhabitants to buy back were items of little value, like lamps and other small household
15 items. Now, if you asked them what the price of an item was, they then forced you to
16 buy it, regardless of the amount they required you to pay. What I must say, however, is
17 that all items of value were taken away; kitchen utensils, foam mattresses and what have
18 you.

19 Maybe their target was to pillage those foam mattresses and to tear up the cotton
20 mattresses as they looked for money. Then they also took food that had been cooked and
21 ate it up, but did not stop there. They went ahead to defecate in the utensils in the
22 kitchens. They used those kitchen utensils as if they were toilet bowls, or what have you.
23 I don't -- I really don't understand what their intention was. It was as if they were in a
24 state of war but, you see, it was difficult to understand why they behaved that way.
25 They defecated in kitchen utensils, in pots. They behaved like animals. In fact, I don't

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1 even know how these people were recruited, and I really -- what was their origin, by the
2 way?

3 Q. Mr Judes, can we focus a bit more on what happened to you personally? And for
4 the parties and your Honours, the transcript is 223, page 53, line 19 to 23. I know,
5 Mr Judes, that you told us that the Banyamulengues took both of your sewing machines,
6 as well as your customers' clothes. Now, did they take anything else?

7 A. Thank you. I have already told you that when I heard the first gun-shots, I then
8 closed my workshop and I went home and then I sought refuge in the bush. The next
9 day when I went back my workshop was empty. No sewing machine, no iron. The
10 clothes belonging to my clients were all taken away. In fact, my entire workshop was
11 emptied. My brand-new Butterfly sewing machine was taken away, so I lodged a
12 complaint regarding the sewing machines that had been lost. Now, regarding the
13 looting at home, or the pillaging of my house, there wasn't much that I could do because I
14 was not the only one who was a victim of that type of activity.

15 Q. Thank you, Mr Judes. And again, just to make sure we have all the information,
16 you also mentioned that a sewing machine of your friend was destroyed. Was this one
17 of the two machines, or another machine you had in your shop?

18 PRESIDING JUDGE STEINER: Yes, Mr Haynes.

19 MR HAYNES: I would appreciate a reference for that, because I don't think that is the
20 evidence.

21 PRESIDING JUDGE STEINER: Mr Zeneli.

22 MR ZENELI: Yes, your Honour. I think it was mentioned two or three times, even
23 this morning.

24 MR HAYNES: Well, the reference I have is page 67, lines 5 to 8, on Friday afternoon, and
25 he said, "One belonged to a friend of mine. The second machine was

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1 destroyed -- correction, was looted by them, and I still have that one." So he didn't say
2 the machine of his friend was destroyed.

3 MR ZENELI: Instead of -- with your leave, Madam President and your Honours,
4 looking for a reference now, can I simply rephrase the question?

5 PRESIDING JUDGE STEINER: Yes, please, Mr Zeneli.

6 MR ZENELI: Thank you, your Honours.

7 Q. Mr Jude, can you clarify how many sewing machines you had in your shop?

8 A. I told you I had two sewing machines in my workshop; one was a Butterfly machine
9 and another one was for sewing the garments. So they took the Butterfly machine and
10 the other machine was damaged. These two damaged belonged to me, I didn't say that
11 they belonged to somebody else; the machine, the Butterfly machine. The other machine
12 of the Butterfly make was something I rented. It belonged to somebody else. That's the
13 one that was taken away.

14 Q. Thank you, Mr Jude. I think we are clear on that now, so I'll move to another
15 question. Now, I know that you did not, in your application form, mention any items
16 looted from your house. You just did so a few minutes ago. Regardless of what you
17 stated in the application form, the victim's application form, can you for the benefit of all
18 of us here list all those items that were stolen from your house as well?

19 A. I told you that I didn't mention losses from my own house. All the town was a
20 victim of this type of pillaging, so I only mentioned what I'd lost from the workshop. I
21 left aside everything I had lost from my home.

22 Q. Thank you, Mr Jude. We understood that. We were just wondering if you'd like
23 to take this opportunity and inform the Judges also of the items that were stolen from
24 your home, if you so wish?

25 A. I told you, and here I repeat, I left in the hand of God what I lost in my home, what

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1 they pillaged from there. I am concerned by the sewing machine and the clothing of my
2 clients. At the time that I'm speaking, I'm still very much disturbed, bothered by my
3 clients because of their clothing, but concerning the articles, the items that were pillaged
4 from my house, I repeat here, that's something which I've just left in the hands of God.

5 Q. And we understand that, Mr Jude. So I will now move to another set of questions
6 and they relate to your testimony with regard to the other crimes you witnessed. And
7 for the parties and your Honours I would like to give the reference now. It's transcript
8 222, the edited version in English, page 48, lines 13 to 19. English version of transcript
9 223, page 38, lines 21 and 22, and I'll follow with further references later.

10 So, Mr Jude, you told us that the next day of the arrival of the Banyamulengues, when
11 they started shooting, so the next day you went to the hospital and that you saw victims at
12 the hospital. You told us about the body of your father's ally, who had been struck in the
13 neck. You told us his neck was in shatters, and you also saw the rapes and the rape
14 victims in the hospital.

15 Now, we'll focus a bit more on the crime of rapes that were committed by the
16 Banyamulengue so that we get all the information again from you, and this is not for you,
17 Mr Jude, so don't get concerned about the numbers I will give now. The references are
18 English transcript 222 page 51, lines 15 and 16, and 222, page 54, lines 15 and 16.

19 You said, Mr Jude, that there were several cases of rapes of girls, ten years of age, some of
20 whom died because of this, and this morning you also told us that you saw some of those
21 victims, again you told us in the hospital. Now, my question is other than the victims
22 that you saw in the hospital for yourself, did you hear about any other crimes of rape?

23 A. I told you here there was only one killing. When there were several cases of rape,
24 even the victims and the parents of victims filled in forms within the framework of these
25 proceedings. There were lots of rape victims. Some of the victims managed to fill in the

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1 forms. Some were not able to do so. Others were ashamed of being stigmatised,
2 because they thought if the people know that they've been raped by the Banyamulengue
3 they will no longer have a husband, so they hid. A lot of girls were contaminated by
4 these Banyamulengue. I can confirm that a lot of girls lost their lives. After the passage
5 of the Banyamulengue, they were contaminated. I know that you don't have the eyes of
6 God and that's why you doubt what I'm telling you, but I leave everything in the hands of
7 God.

8 Q. Mr Judes, I said at the beginning of my questioning - and I'd like to repeat now - that
9 my questions, although in some cases repetitious, should not be understood from you as a
10 doubt that I have for the information you provide. So to put it in simple terms, Mr Judes,
11 I trust you. I simply want to get some further clarifications. Do you understand me?

12 A. Yes, I understand.

13 Q. Thank you, Mr Judes. Now, again, can we just briefly focus on the case of the
14 single woman that you mentioned was raped by ten or 20 men. From your testimony
15 earlier this morning, am I correct to understand that this was the case of rape that took
16 place in the house of (Redacted)- that's not a witness, a victim - a house that was emptied
17 by their owners?

18 A. When it comes to the girl of the (Redacted), with regards to that girl
19 she was raped in the house of (Redacted) (phon); a large house. So it was in the house of
20 (Redacted), which was rented out, and this house was being inhabited by a (Redacted)
21 (Redacted) and that's the reason why the girl of this (Redacted) was raped.

22 MR ZENELI: Madam President, your Honours, can we move briefly into a private
23 session at this stage?

24 JUDGE ALUOCH: Mr Zeneli, the way you posed your question was rather confusing,
25 because I think you said the house -- that is the real-time transcript, page 24, line 5, 4 and 5,

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1 when you said -- well, let me start at line 3, "From your testimony early this morning, am I
2 correct to understand that this was the case of rape that took place in the house of
3 (Redacted)- that's another witness, a victim - a house that was emptied by their owners?"
4 Do you mean deserted, or emptied? I didn't quite understand what you meant.

5 MR ZENELI: Thank you, your Honour. I was -- actually, there is a couple of words in
6 that sentence that is not supposed to be there, and that is "... that's not a witness, a victim,"
7 because at that moment I was thinking that the use of name could have posed a problem,
8 but as I understood from the testimony earlier this morning the witness told us that the
9 house where this took place simply belonged to (Redacted), who was the owner of the
10 house who had been asked by the Banyamulengues to empty the house. So I can -- if
11 you give me a moment, I can find the reference in the real-time transcript.

12 PRESIDING JUDGE STEINER: In the meantime, court officer, please turn into private
13 session.

14 (Private session at 10.55 a.m.)* Reclassified as Open session

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

16 MR ZENELI: Your Honours, as my team members will try to find the reference, may I
17 continue? Thank you.

18 Madam President, I asked that we move briefly into private session because I'm concerned
19 of the use of the information on the (Redacted), as well as the reference
20 to his daughter being raped. So if we could simply, with your leave, remind the witness
21 not to mention information on which basis other victims can be identified, and perhaps
22 ask a few follow-up questions only on this incident in a short private session?

23 PRESIDING JUDGE STEINER: I think it would be better, Mr Zeneli, since I think the
24 number of redactions that I already ordered exceed the number of allowed redactions
25 without prejudicing the broadcast, so it's better if for the follow-up questions we remain

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1 in private session.

2 MR ZENELI: Thank you very much, your Honour. And may I also provide the
3 reference now to the house of (Redacted) It's page 7 of the real-time transcript today,
4 lines 14 to 20 I can say, and I read, "That happened in the house that they had occupied,
5 but the houses from which the owners had been driven out. Well, I can give you an
6 example. It was (Redacted) (phon), the house of a (Redacted). Having driven out the
7 owner of the house, they used it in order to rape the young girls," or better because I
8 think -- okay, of course it's not edited, the transcript, so "... they used in order to rape.
9 The young girls came out, ran out totally naked, in order to flee towards the hospital ,and
10 others were spitting out sperm." May I continue? Thank you, your Honour.

11 Q. Mr Jude, now at the hospital -- well, let me go back. I asked you earlier whether
12 the case of rape of the single woman by 20 -- ten or 20 people was the one that took place
13 in this house. Is that what you were telling us earlier?

14 A. No, no, it wasn't in that house. I stated that the collective rape took place in the
15 (Redacted) house. Now, where it concerns the house of (Redacted), this was another
16 house which the owner had been pushed out of and the girl was taken there to be raped.
17 Now, where it concerns this collective rape, that happened in (Redacted) house, the rape
18 of the girl, or the daughter of the (Redacted). The other cases of rape
19 occurred in the other houses which were occupied in the Sibut area.

20 MR ZENELI: Madam President, I just took note of the time, so maybe we break here?
21 Thank you.

22 PRESIDING JUDGE STEINER: Thank you, Mr Zeneli. Court officer, please turn into
23 open session.

24 (Open session at 11.00 a.m.)

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

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1 PRESIDING JUDGE STEINER: Thank you. Monsieur Judes, we'll have now a
2 half-an-hour break. Our interpreters, court reporters need to take some rest, and you as
3 well. It's 11 o'clock. We'll be back at 11.30. I ask, please, court usher to accompany the
4 witness outside the courtroom. In the meantime, we will suspend and resume at 11.30.

5 (The witness stands down)

6 THE COURT OFFICER: All rise.

7 (Recess taken at 11.02 a.m.)

8 (Upon resuming in open session at 11.35 a.m.)

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

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

12 (The witness enters the courtroom)

13 PRESIDING JUDGE STEINER: Monsieur Judes, welcome back.

14 THE WITNESS: (Interpretation) Good morning once again, Madam President.

15 PRESIDING JUDGE STEINER: You're ready to continue with your testimony?

16 THE WITNESS: (Interpretation) Yes, Madam President.

17 PRESIDING JUDGE STEINER: Mr Zeneli, you have the floor.

18 MR ZENELI: Thank you, madam. Madam President, is it possible to go back to private
19 session?

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

21 (Private session at 11.37 a.m.) * Reclassified as Open session

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

23 MR ZENELI: Thank you, Madam President.

24 Q. Mr Judes, we are now in private session and, as Madam President informed you at
25 the beginning of your testimony, now you are free to ask -- I'm sorry, to mention names or

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1 any other information that may identify witnesses, because in private session no one else
2 can hear you other than the ones present here in the courtroom. Do you understand
3 that?

4 A. Yes, I do.

5 Q. Now, when we left we were talking about the rapes and I'd like to ask a few
6 follow-up questions so that we make sure we know everything that you know. Page 26,
7 lines 17 to 25 of the real-time transcript, for your Honours and the parties, Mr Jude you
8 just told us that the collective rape took place in (Redacted) house. This was the rape of
9 the woman by ten or 20 men. Can you tell us, Mr Jude, how do you know this?

10 A. I told you that we went to the hospital. There were no qualified nurses at the
11 hospital. The victims were only being treated by first-aid workers, and so I told you that
12 they all gathered around the girl who had just put to birth. The mother was present, and
13 the father was even there when these men raped the girl and the mother. So the victims
14 were at the hospital being treated by Red Cross workers and first-aid workers. That is
15 what I saw with my own eyes. For now, all I can talk about is things that I saw with my
16 own eyes, so please don't ask me about anything that I did not see. I was present at the
17 hospital, and some of them were spitting out sperm. Some of the victims, I mean. I am
18 not able to talk to you about any facts that I did not see with my own eyes.

19 Q. Thank you, Mr Jude, and we are grateful to you taking your time to tell us what
20 you know. You were in Sibut when all these crimes happened. We weren't there, so we
21 want to know from you, as a victim of these crimes, as a witness of these crimes, what you
22 saw, heard or witnessed in any other form. So please don't take offence when I ask
23 questions that may sound repetitious. Do you understand me?

24 A. Yes, I understand you. I understand you.

25 Q. Now, at the hospital, how many victims of rape did you see?

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1 A. I was there on that day. I saw the daughter and the wife of that (Redacted).

2 So with my own eyes I think I saw seven victims, but some of the victims did not go to the
3 hospital. Others still received traditional treatment.

4 Q. The ones that did go to the hospital, did they tell you that they were raped by the
5 Banyamulengues?

6 A. It is only the Banyamulengue who were in town. They were the ones who
7 dominated the town and they were behaving as if they owned the city. They were the
8 masters, and I've already told you that these were short people. They were short.

9 Q. Did you talk to the victims yourself?

10 A. I went towards the victims. I talked to them. They explained to me what they
11 had been subjected to. The gun-firing had somehow disorientated them and that is how
12 they fell into the arms of these people.

13 Q. What did they tell you happened to them?

14 A. I have just told you that these acts were perpetrated by the Banyamulengue. They
15 were the ones behind all those acts of violence. Let me insist that the rebels who were in
16 town did not do anything. They went to the market to buy goods. Now, when the
17 Banyamulengue arrived, they are the ones who started raping people's wives even in
18 plantations. They raped women all over the place.

19 Q. And, again, please don't take offence with my question. When did all these crimes
20 occur: The first day, the second day, or throughout the two weeks that the
21 Banyamulengues were there?

22 A. Those crimes were committed on the same day on which they arrived, and then two,
23 or three to four days later the girls came out. Then they stopped those acts of violence,
24 because the mothers began to complain and the Banyamulengue were then frightened.

25 Q. You also told us, Mr Judes, that you saw a girl who was fleeing entirely naked, and

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1 the reference for that will be transcript in English version 223, page 55, lines 2 to 7.

2 Where did you see this girl?

3 A. It was at the (Redacted) neighbourhood. I would like to say that this girl is still
4 alive. She has just recently had a baby.

5 Q. You also mentioned that the girls were contaminated and also that some of them
6 died. Can you tell us what you mean by "contaminated"?

7 A. What I am telling you is the truth. I was present, I was there and I was among
8 those who were burying the bodies. The girls I am talking about were infected by
9 venereal diseases, and I saw three bodies. Three of those girls died.

10 Q. Just one final question, Mr Jude, and this is just so that I understand your testimony.
11 Was it only the daughter of one of the officers of the (Redacted) that
12 was raped, or also his wife?

13 A. I think my point was very clearly made a short while ago. The mother was with
14 her daughter. The daughter was raped and then the mother was also raped, and the
15 husband was nearby looking on. He was beaten up and taken to the hospital.

16 Q. Mr Jude, before we move back to public session, with the leave of their Honours, is
17 there any other names that you'd like to mention now that we are in private session; that
18 is, names of victims, be it rape or pillaging as well?

19 A. I mentioned my neighbour, but I cannot talk about everybody. My neighbours,
20 well, I know what types of acts of violence befell them, so what I can say is that these
21 abuses were committed in the entire neighbourhood, but if you want I can give you my
22 neighbours' names, all my neighbours: (Redacted)
23 (Redacted). Those are all
24 my neighbours. All those people are my neighbours, but I am not in a position now to
25 mention other names. You see, many of my neighbours lost many things.

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1 MR ZENELI: I'm just informed that maybe the stenographers are not able to have all
2 the names written down. I think at this stage for the purpose of what question was
3 asked perhaps it's not as crucial as to go into a spelling of each of the individual names,
4 unless your Honours otherwise advise. I would have no objection to that.

5 PRESIDING JUDGE STEINER: Mr Zeneli, it's not necessary because for the edited
6 version they go into the tape, so they check through the audiotape the spelling of the
7 words. If they have difficulties, they will ask the Chamber to instruct the Prosecution or
8 Defence in terms of having a spelling - a better spelling - of the names.

9 MR ZENELI: Thank you, Madam President. In that case, may we move back to public
10 session?

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

12 (Open session at 11.57 a.m.)

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

14 MR ZENELI:

15 Q. Mr Judes, we are back in open session now, so I simply want to remind you to not
16 mention any names or public -- or information that might identify victims because now
17 the public can hear it. Do you understand?

18 A. Yes, I do.

19 Q. Now, one last question on the crimes of rape, and please don't take offence because
20 we understand that the victims of these crimes went through a horrible experience, so my
21 question is simply again to make sure we receive all the information. Based on your
22 knowledge, Mr Judes, of what you saw, heard or otherwise witnessed, were all these
23 young girls, women of Sibut population, in a position to refuse the acts of sexual nature
24 that were committed to them by the Banyamulengues?

25 A. Counsel, someone with a weapon who holds you by the hand and pulls you into the

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1 house, how can you say no to that? Even if it is your wife who is being dragged into the
2 house to be raped under those circumstances, where people have arms and weapons,
3 what can you do? The attackers were armed. Some of the victims even left the village
4 to live elsewhere, in Mala or Dekoua. Even the (Redacted), whose wife and child
5 were raped, preferred to move on to Bangui. So people were entirely powerless in the
6 face of these armed attackers. You see, a bicycle may be hidden in the forest, or a radio
7 set might be hidden; they always found out where these items were. They even went as
8 far as going to the farms to rape the women, to look for women and rape them, and that is
9 how some of the women were forced to go back and stay in their homes.

10 Q. Thank you, Mr Jude. Can we just simply focus very briefly on the murders that
11 you talked to us about. Now, I know you told us that where -- when you were at the
12 hospital you saw the body of your father's ally -- actually "ally" was corrected by the
13 interpreters to mean related by marriage to the father, I think.

14 THE INTERPRETER: The interpreters would like to recorrect that back to "ally," after
15 consultation with the Sango booth. Thank you.

16 MR ZENELI: Thank you for that clarification.

17 Q. So after you went to the hospital, you saw the body of your father's ally dead, hit in
18 the neck; his neck was in shatters, but I just want to know - and simply focus on this
19 question - who told you that he was killed by the Banyamulengues?

20 A. I didn't get this information from anyone. As I stated previously, I came out at
21 9 o'clock in order to go to the house, and I saw that my family was present. Thereafter, I
22 went to the hospital in order to see the victim, and when I arrived there I only saw the
23 victim of rape and from there I heard that the father whose boy was selling
24 hospital -- selling medicine at the hospital had been killed and I went to see the body
25 myself. He had been killed before his own house because the attackers had said -- or

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1 they were accusing him of not having fled like the others, or blaming him for not fleeing
2 as the others had. I am -- was very much upset by the declaration of this woman who
3 stated in the video that the town was peaceful. It was the only case of murder that I saw;
4 there was otherwise just pillaging and rape.

5 Q. And when you saw the body, what did you hear or were you told about the
6 circumstances in which the killing took place?

7 A. I just told you that the attackers were blaming this person for not having fled like
8 others, or reproached him for that. And why him? Why didn't he flee as others had?
9 As he wanted to show his courage or bravery by staying at home, they killed him before
10 his own house.

11 Q. Very well, Mr Judes. Now, let's just focus on the town hall meeting. We have
12 moved on to another set of questions, and I'll try and be brief so I kindly ask you do the
13 same. The reference is English transcript edited version of 223, page 4, lines 15 and
14 16 -- through to 16. Now, Mr Judes, you told us you had a meeting with Cercueil, if I'm
15 pronouncing it correctly. Were you present at this meeting?

16 A. Yes, I was present. On that day it's said at the meeting that Patassé had given the
17 authorisation to come and burn the town because it was harbouring rebels or sheltering
18 rebels, and all the men and women were rebels, and it also said that his president would
19 come the next day and, indeed, the next day at 1500 hours the president did indeed come.
20 I listened myself to Cercueil, and he also stated that he was the leader of the soldiers. He
21 spoke Sango perfectly.

22 Q. Mr Judes, thank you for that information. Now, if I may, I'll just make this an
23 example of our interaction here. Let's be brief with the questions, I'll try that myself, as
24 well as the answers, so that we do not repeat information we already have. For example,
25 I simply asked you whether you were present at the town hall meeting that Cercueil had

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1 organised, and this could be a good example as to how you answer maybe with a simple
2 "yes" or "no," and then we can move on to the next question and the next answer. It
3 could simply be easier and quicker that way. Do you understand?

4 A. Yes, I understand. I repeat: I was present at that meeting. Furthermore, I was
5 the first to arrive there.

6 Q. Thank you. And was it in that meeting that you heard Cercueil speak Sango?

7 A. Well, it was on that occasion that I was able to get to know him, able to meet him.
8 Well, I saw him for the first time. Furthermore, he greeted us in Sango and he told us
9 "Bibara laquai" (phon) in Sango, which means "I greet you." In fact, he spoke Sango
10 perfectly.

11 Q. Thank you. Now, let's move to Bemba's arrival which, as we all know, you said it
12 took place the day after the meeting. At 3 p.m. he arrived in a blue and white helicopter.
13 You also told us that did you not know Bemba before that visit, and I'll just give the
14 references for that. 223, page 10, line 23, as well as page 16, lines 7 to 12. Other than
15 that day in Sibut, have you ever seen Bemba again?

16 A. It was only the first time that I saw him. I didn't see him before and I never saw
17 him afterwards.

18 Q. Again, just please don't take offence of my repetition, but am I correct to understand
19 you never ever saw Bemba again after than that day in Sibut?

20 A. That's correct.

21 Q. Now, you told us that you asked the people who were with you under the mango
22 trees to tell you who Bemba was among all those people, and they told you "That's
23 Mr Bemba there." Who were these people you asked?

24 A. Some of the Banyamulengue weren't in military uniform, and they were amongst us,
25 and I asked them where Bemba was, and one of them showed me. He also had a -- he

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1 had next to him a photographer and a white man. I repeat, that some of the
2 Banyamulengue weren't in military uniform and they were mixed amongst the
3 population, amongst us the inhabitants of the town who were present on that day.

4 Q. Thank you. Now, there were two occasions that day in Sibut in which you saw
5 Bemba: The first time at the football pitch and the second at the market. How close
6 were you to Bemba in each of those two occasions?

7 A. I saw him on the same day as his arrival on two occasions. The market I came from
8 to the house and I stopped underneath a mango tree and then I saw the vehicle stop. He
9 descended, he got out of the vehicle and he looked around the town and then afterwards
10 he went to purchase pancakes before coming back. I wasn't very far from him. It was
11 about the same distance as from where I am to the door that I can see over there.

12 Q. Were you in a position to take a good look at him?

13 A. Well, I've just said the distance that he was away from me, so I couldn't get any
14 closer because he was surrounded by his bodyguards. I was underneath the shop and I
15 saw him buying pancakes. Afterwards, he took photos before leaving.

16 Q. Apart from this visit of high officials from Banyamulengues, was there any other
17 visit of Banyamulengues high officials in Sibut?

18 A. There weren't visits of authorities after the departure of the Banyamulengue. It
19 was the FACA who came. After their president left, they left and the FACA came back.

20 MR ZENELI: Thank you, Mr Jude.

21 Madam President, your Honours, I would like to move on to a set of questions on the
22 three photographs. They are confidential and there is no request to reclassify them, so
23 I was wondering if we could follow the same procedure by following -- closing the
24 shutters behind the witness and ask those questions.

25 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

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1 MR HAYNES: I have no difficulty with that, but on the issue that my learned friend is
2 now leaving I take the view that the Chamber and the Defence are entitled to know what
3 the Prosecution's case is. Is it the Prosecution's case that Mr Bemba did visit Sibut, or is it
4 the Prosecution's case that Mr Bemba did not visit Sibut?

5 PRESIDING JUDGE STEINER: Mr Zeneli?

6 MR ZENELI: Thank you, your Honours. I don't think I would agree with my learned
7 colleague, because at this stage, as we all know, we have put forward the Prosecution case.
8 At this stage, as we all know, we are still in the process of hearing the testimony of this
9 witness. What the Prosecution is doing, in due diligence to its obligations, is to collect all
10 the information possible from this witness and at the end of the testimony put a weight to
11 it. So, with your leave, Madam President, I would not answer to that question at this
12 stage.

13 PRESIDING JUDGE STEINER: I agree with you, Mr Zeneli, and the Defence of course
14 will have its time to check the information that the Prosecution is trying to obtain from the
15 witness. So let's go step-by-step, which is always the best way to go through a
16 testimony.

17 I ask, please, the court officer to put down the blinds behind the witness.

18 MR ZENELI: With your leave, Madam President, I would kindly ask the court officer to
19 show - put on the screen - document CAR-OTP-0046-0224.

20 THE COURT OFFICER: The document as referred to by counsel is available on the
21 screens. It's a confidential document and would only be broadcasted inside this
22 courtroom.

23 MR ZENELI: Thank you, sir.

24 Q. Mr Judes, you should have on your screen a photograph. Are you able to see it
25 clearly?

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1 A. Yes, that's (Redacted) in question; a blue (Redacted).

2 Q. By "(Redacted) in question" - and if the Defence would ask me to rephrase the
3 question I can easily do so - do you mean, Mr Judes, (Redacted) with which
4 Bemba arrived at 3 p.m.?

5 A. That's it, this helicopter.

6 MR ZENELI: Thank you, Mr Judes.

7 Can I kindly ask the court officer to now move and put on the screen document
8 CAR-OTP-0046-0222?

9 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

10 MR HAYNES: Your Honour, I apologise for interrupting Mr Zeneli, but I've been
11 reflecting upon these photographs and I don't understand why they should remain
12 confidential. They're confidential because they were produced by a witness who gave
13 his evidence entirely in closed session, but he's not the photographer and there's nothing
14 in the photographs which would identify him and there is nothing about any of these
15 photographs which requires them to remain confidential, in my submission.
16 And so I don't -- I do invite the Prosecution to consider whether they need to remain
17 confidential. They are not like other photographs we have seen where the fact of the
18 photographs might compromise the identity of the witness. These don't.

19 PRESIDING JUDGE STEINER: Mr Zeneli?

20 MR ZENELI: Thank you, Madam President. I prima facie, so to speak, do not see a
21 problem with reclassifying the documents at this stage. However, the only remark that
22 I would make is that, in addition to the fact that they were accompanying the statement of
23 one of the protected witnesses to this Court, meaning that if a reclassification would be
24 done none of that information on the chain of custody should be disclosed, they - as the
25 Defence also explained - were taken by other people, people who may be looking through

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1 these hearings and the testimony of this particular witness, authors of the photographs
2 that might have knowledge as to who they gave these photographs to, which in other
3 words may then serve as the basis for the identification of that particular witness.
4 So my submission at this stage, your Honours, would be that we maintain the level of
5 confidentiality, or if your Honours otherwise decide we at least maintain the same level of
6 confidentiality on the information that I just mentioned.

7 (Trial Chamber confers)

8 PRESIDING JUDGE STEINER: The Chamber decides that the photographs shown to the
9 witness shall remain confidential in order to protect the identity of the photographers, or
10 of the person to whom the photographs were delivered. For the time being these
11 documents remain confidential, subject to any further ruling of the Chamber on
12 reclassification of one, or all, or any piece of evidence in due time.

13 Mr Haynes?

14 MR HAYNES: Your Honour, a small point and an apology. I probably should have
15 raised that matter in private session and you might wish to redact the exchange between
16 myself and Mr Zeneli.

17 PRESIDING JUDGE STEINER: Mr Zeneli, you can continue.

18 MR ZENELI: Thank you, Madam President.

19 Q. Mr Judes, we're back, so have a look at the photograph you have on your screen
20 now and tell me what you see.

21 A. Well, on this photograph (Redacted). There were no (Redacted) from our
22 (Redacted). When he came, there was no one. No one could approach him. The town
23 was under their control.

24 Q. You just said "no one could approach him." Who do you mean by that?

25 A. Well, I meant their president. Is he in this photograph? Look for yourself. These

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1 (Redacted) in the photograph don't look like the (Redacted) from (Redacted).

2 Q. You just asked me a question of whether I see him for myself in this photograph.

3 Can I ask you the same question: Do you see him in this photograph?

4 A. Well, this photograph is a bit dark.

5 Q. Do you recognise where this photograph was taken? What is this place you see?

6 A. Well, this (Redacted) that you

7 see in the photograph are (Redacted). I'll be specific: The photograph is a bit dark, and

8 all these people you see are the people who had come to see what was going on. Just

9 behind we can see the (Redacted).

10 Q. So the people you see in the background are the (Redacted) that went to see

11 (Redacted)

12 A. It's them; they are the ones just (Redacted). There were many of them that

13 day. These -- (Redacted) were in the centre, the centre of the field.

14 MR ZENELI: Thank you, Mr Judes. With your leave, Madam President, may I ask

15 the court officer to put on the screen the third document, and that is CAR-OTP-0046-0203.

16 Q. Mr Judes, are you able to see this photograph clearly?

17 A. Yes, I can see it clearly.

18 Q. Can you tell us what you see in the photograph? And if I may remind you, we are

19 in public session so if you recognise any of the faces please don't mention names.

20 A. Well, on this photograph I can see (Redacted).

21 Q. And where is (Redacted)?

22 A. (Redacted) is on (Redacted) lives in that area.

23 I can be specific, that is (Redacted).

24 THE INTERPRETER: Correction: (Redacted).

25 MR ZENELI:

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1 Q. Is (Redacted) far from Sibut or is it in Sibut?

2 A. The compound of the woman who was lying on the video yesterday is found just
3 behind. If you can look there, you can see the straw huts. Ms Mariambo (phon), her
4 home is just right there, just to the side.

5 Q. Do you recognise any of the people depicted in this photograph?

6 A. The small people who are beside this man, is that who you're talking about? That
7 is the president himself wearing a uniform, and the people who are there are there to have
8 a look at him. And I would like to ask you, are you asking your question about the
9 inhabitants here, the inhabitants who were there?

10 Q. That is very well, Mr Judes. I have already had the answer from you for the
11 inhabitants. Now, you just said that the person there is the president, and although I
12 gave you a warning that you shouldn't mention names, his name you can mention. So if
13 you know it, what do you mean? Who is this president?

14 A. It's Bemba. You can see him here.

15 Q. Thank you, Mr Judes. We can remove the document from the screen. Now, just
16 another quick question: At the market, or at the football pitch, did the Sibut civilians
17 ever talk to this president?

18 A. Well, as for the market where I saw him for the first time, in particular when they
19 came from the airport, they went to the home of the lady who was lying on the video we
20 saw yesterday.

21 Q. Did he ever talk to Sibut civilians, your neighbours, or at the market your -- also
22 your neighbours there? And if he did, did they tell him about the crimes they had
23 suffered from his soldiers?

24 A. I've told you that when I saw him he did not speak to the local inhabitants; he
25 merely greeted them, and then he went to the Kanga market to visit his soldiers, or the

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1 Kanga area, rather, then he went to the markets. He spoke only to his soldiers. Then he
2 bought those flatbreads before he went on to the home of this lady who was lying on the
3 video, the lady who was saying that the town had been liberated by the Banyamulengue.
4 That is -- that was a lie. It was entirely invented. They were at the home of that lady.
5 What's more, they went to the home of that lady together with the lady herself. There
6 were no journalists that day to take a picture of the scene for posterity. This is really an
7 invention; it's all been made up.

8 THE INTERPRETER: "It is an utter invention," corrects the Sango interpreter.

9 MR ZENELI:

10 Q. Then Mr Bemba left. What happened in Sibut after he left?

11 A. When he went off again, his soldiers did not harm the inhabitants any more. We
12 had peace with them.

13 THE INTERPRETER: Correction, "we drank with them."

14 MR ZENELI:

15 Q. We know that Banyamulengues stayed in Sibut, from your testimony, for two weeks
16 and that as you just told us after the president left there were no more troubles in Sibut.
17 Now, when the Banyamulengues left Sibut, just prior the arrival of FACA, so when
18 Banyamulengues finally left Sibut, how did that make you feel?

19 A. The FACA arrived on the same day as the Banyamulengue withdrew. After they
20 withdrew, we spent two nights outside celebrating their departure. When their
21 president left, we drank some alcoholic beverages with them. Just -- no one was to walk
22 around at night, and when they withdrew the entire population spent two nights outside
23 in the streets celebrating their departure.

24 Q. Now, Mr Witness, just two questions on what you mentioned earlier about lawyers
25 filling out forms of complaints from Sibut civilians. When did this take place?

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1 A. That was several years later. The events occurred in 2003, and I suppose that it was
2 in 2006 when the complaints were filed. Some NGOs came, but then they would leave
3 without any follow-up. It was only later that we began to receive other important people,
4 and they had us fill out various forms and that led to the trial that we are at today. Some
5 lawyers who had travelled to the area even asked the victims to organise in the -- into
6 various groups to carry out a number of activities, including farming.

7 Q. I only have one last question for you, Mr Judes, and then I'll be done with my
8 questions. Mr Judes, can you tell us what was the impact of these crimes committed
9 against you and your family?

10 A. After these events, I had some health problems. Then, after that, I tried hard to
11 forget everything that had happened. You see, as I was working, I was able to provide
12 for my family properly. After the machinery was damaged, I had nothing - I didn't have
13 anything - and that led me to think about things quite a bit.

14 MR ZENELI: Mr Judes, I'd just like to take this opportunity and thank you for the time
15 you've given to me and for the patience you've shown to my questions.

16 Madam President, I'm finished with my questions. We can take the break now. Thank
17 you.

18 PRESIDING JUDGE STEINER: Mr Zeneli, when you filed the list of documents to be
19 used in your questioning, you mentioned that three photographs would be tendered into
20 evidence. Are you tendering them into evidence?

21 MR ZENELI: Much obliged, your Honour. Yes, we intend to tender them as evidence
22 and I do so now. Thank you for reminding me. Thank you.

23 PRESIDING JUDGE STEINER: Thank you, Mr Zeneli. Before we go into the break,
24 I would ask, please, court officer to display again the last picture, 0046-0203, because I
25 need a clarification from the witness.

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1 THE COURT OFFICER: Madam President, document CAR-OTP-0046-0203, confidential
2 document, is available on the screens.

3 PRESIDING JUDGE STEINER: Mr Witness, just to clarify a part of your statement. As
4 of page 38 today, you mentioned that in the day Mr Bemba arrived in Sibut you saw him
5 on two occasions, when he left the helicopter and when he went to the market and bought
6 some pancakes; is that correct?

7 THE WITNESS: (Interpretation) I said that he landed on the football pitch and then he
8 greeted us, and then he went to the Kanga neighbourhood to visit his soldiers and then
9 after that he went to the market. He spoke to his fellow -- the others, and then he
10 purchased these flatbreads, or these pancakes, from a lady. She tried to give him his
11 change back and he refused. I immediately decided to go back home, and that was when
12 he went to the home of that lady; the lady I was mentioning earlier. From the market I
13 went back home, so I didn't follow him all the way to the (Redacted) neighbourhood.

14 PRESIDING JUDGE STEINER: Yes, I understand that, Mr Witness.
15 You also said that you saw him from a short distance, like the distance - more or less like
16 the distance - between where you are now and that door behind the Prosecution; is that
17 correct?

18 THE WITNESS: (Interpretation) Indeed, that's what I said. (Redacted)
19 (Redacted). It's the third time I've said so.

20 PRESIDING JUDGE STEINER: But I need to ask you again, just to make sure that I
21 understood. The man you saw in the football pitch and the man you saw buying
22 pancakes in the market (Redacted)?

23 THE WITNESS: (Interpretation) Of course, (Redacted). (Redacted)
24 (Redacted).

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

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1 We still have five minutes, but we are going to anticipate our lunch-break. We will
2 suspend. You can have your lunch and take some rest. It's almost 1 o'clock. We'll be
3 back at 2.30 when Defence will start questioning you.

4 I ask, please, court usher to accompany the witness outside the courtroom. In the
5 meantime, we will suspend and resume at 2.30.

6 (The witness stands down)

7 THE COURT OFFICER: All rise.

8 (Recess taken at 12.56 p.m.)

9 (Upon resuming in open session at 2.37 p.m.)

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

11 PRESIDING JUDGE STEINER: Good afternoon and welcome back.

12 Before we bring the witness in, I would like to ask Mr Haynes whether Mr Haynes
13 can give us an estimation on how long Defence would take for questioning the
14 witness?

15 MR HAYNES: Well, I'm glad you asked me that, because I do want to return to a
16 question I put to the Prosecution this morning, and indeed perhaps to invite
17 Ms Douzima Lawson's comments as well, because it may facilitate an abbreviation of
18 the examination of this witness.

19 I really would like to know whether it is the case of either of the other parties to this
20 trial that Mr Bemba visited Sibut, because if I don't have to deal with that then I don't
21 think I'm going to be overly long with the witness. I don't think I'll finish this
22 afternoon, but I don't think I will go more than perhaps a session-and-a-half or two
23 sessions, but I do think it is appropriate now that the Prosecution are in possession of
24 all the answers they wanted, and given that Ms Douzima Lawson called this witness
25 for some purpose, to invite them to consider whether it is any part of their case that

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1 Mr Bemba went to Sibut.

2 PRESIDING JUDGE STEINER: Mr Haynes, you will have the opportunity for sure
3 to ask the witness whether Mr Bemba have been to Sibut one, two or three times. I
4 don't think it's appropriate for the calling party now to have to explain or to the
5 Prosecution to explain. I must confess that I don't see your point. I think we can
6 clarify this with the witness immediately when you start the questioning of the
7 witness.

8 MR HAYNES: Well, I mean that's really my point. If this is still an issue in the case
9 then I will be longer with him, but if it is not an issue in the case then my examination
10 of him will be all the shorter. I mean, we have spent an awful lot of time dealing
11 with videos and photographs with this witness to ascertain whether he is a reliable
12 witness as to that fact, and I do think it's appropriate to invite the other parties to state
13 what their case is at this point in time.

14 PRESIDING JUDGE STEINER: Ms Douzima, would you like to respond?

15 MS DOUZIMA LAWSON: (Interpretation) Your Honour, I believe that it really
16 isn't up to one particular party to ask another party to put forward his or her case.
17 As a legal representative who has been asked, or rather who has called this witness to
18 give testimony, I know where I'm going and it is up to the Judges to make the
19 necessary assessment. That is what I have to say, your Honour.

20 PRESIDING JUDGE STEINER: Mr Zeneli, would you like to say something?

21 MR ZENELI: Thank you, your Honours. We agree with your submission -- I'm
22 sorry, instructions. At this point, I don't see what the Defence is trying to do other
23 than to revise its list of questions, if they have one already prepared, and with due
24 respect I submit that it is not the job of the Prosecution or of the legal representative to
25 do that for the Defence.

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1 As I stated earlier, I don't see a legal basis to support the submission by the Defence,
2 and again as I stated earlier we are still in the process of the examining the witness,
3 hearing from him on all the subjects for which he was a witness to or heard or
4 witnessed any -- or saw any events that took place in Sibut, and for that reason I
5 would not want to at this stage make a submission as to what our case is for this
6 specific witness. We can hear how the questions and the answers of the witness will
7 go from the Defence and take it from there.

8 And if I may, your Honours, my colleague would also like to add something on the
9 agreed facts, so with your leave I would like to give him the floor for that.

10 PRESIDING JUDGE STEINER: Maître Badibanga?

11 MR BADIBANGA: (Interpretation) Thank you, your Honour. I merely wanted to
12 raise one point. When this trial was about to begin, and given the request from the
13 Chamber, attempts were made to agree upon a number of facts, and the Defence's
14 position was that there were not any such facts and we should each tender our
15 evidence. I think this request is very much stemming from this particular reality.
16 I think that for each particular point raised by the witness, each party should ask
17 questions as is the case and the Defence can make an assessment in light of the
18 information elicited from the witness whether questions should be asked, or areas
19 should be explored. I thank you.

20 PRESIDING JUDGE STEINER: Mr Haynes, I think I tend to agree that, if Defence
21 deems necessary to clarify whether the witness saw Mr Bemba more than once in
22 Sibut, I think Defence should put the questions Defence -- Defence understands as
23 relevant in order to obtain such information from the witness, if the Defence deems - I
24 repeat - it necessary to clarify its point.

25 In any case, Mr Haynes, my question that initiated all this debate is because the

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1 Chamber needs to accommodate a proper schedule for -- not only for this case, but
2 next week we have other Chambers sitting. For a number of reasons we cannot have
3 simultaneous trials for the time being.
4 Therefore, the Chamber consulted with the interpreters and court reporters. They
5 agreed on giving us 30 additional minutes per day on the condition that we conclude
6 with this testimony -- with this witness by Thursday, not more than that. We cannot
7 sit on Friday and we cannot sit next week and the Chamber would very much
8 appreciate if we don't have to keep the witness here in The Hague for ten/12 more
9 days waiting for other possible sitting hours and that's why I asked the question, but
10 of course in the time allocated to the Defence you feel free to ask if you -- if Defence
11 deems it important to go again to this point, of course Defence is free to.

12 MR HAYNES: Well, thank you for that. Now I know, as it were, the purpose of the
13 enquiry I can answer it pretty clearly. We will certainly not go into Wednesday with
14 this witness. I doubt we will go into tomorrow afternoon.

15 PRESIDING JUDGE STEINER: Thank you for the information, Mr Haynes. In any
16 case, for the record and with the thanks of the Chamber for the -- again the
17 indulgence of interpreters and court reporters, if need be we have half-an-hour extra
18 tomorrow, Wednesday and Thursday in order to allow Defence to finish by Thursday,
19 4.30.

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

21 (The witness enters the courtroom)

22 PRESIDING JUDGE STEINER: I'm sorry. Monsieur Jude, welcome. Welcome
23 back to the courtroom.

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

25 PRESIDING JUDGE STEINER: Before I give the floor to Defence, I would like just to

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1 inform mainly legal representatives, Prosecutor, but Defence of course as well, that
2 we are having apparently a more serious problem with the Outlook. The emails are
3 not working. So now apparently it's working and going back and forth, but in any
4 case if need be mainly for requests for redactions that a party or participant just call
5 the attention of the Chamber for the page and line without of course mentioning the
6 information that parties or participants are requested to be redacted.

7 Mr Haynes, you have the floor.

8 MR HAYNES: Thank you, your Honour.

9 QUESTIONED BY MR HAYNES:

10 Q. Well, good afternoon, Mr Judes.

11 A. Good afternoon, Counsel.

12 Q. I'm sure that somebody has told you what my function is, but just so that you
13 are clear my name is Peter Haynes and I am one of the counsel for Jean-Pierre Bemba.
14 Do you understand that?

15 A. Yes, I understand that.

16 Q. And so I am going to be asking you some questions on his behalf. I, like my
17 colleagues, apologise for the fact that we will have to go back over some of the things
18 you have already said. Do you understand?

19 A. I understand.

20 Q. But the good news is that I will be asking you questions for a little over an hour
21 today, but I think we will finish tomorrow, okay?

22 A. Very well.

23 Q. Okay. Now, I just wanted to start by clearing up something you said this
24 morning when you were being asked questions by Mr Zarambaud. Do you
25 remember?

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1 A. Many questions have been put to me, but it's important for you to be specific
2 about the various topics that you might be asking about.

3 Q. Okay. Well, I understand that you have lived in Sibut all your life; is that
4 right?

5 A. That's quite right. I've lived in Sibut and I have gone to Bangui or elsewhere
6 for a few days, but I've always lived in Sibut.

7 Q. Okay. And so that this question is clear I'm going to ask that you have a look
8 at another photograph, and it's document 21 on the Defence list, CAR-OTP-0046-0195,
9 and before it is displayed the usual measures will have to be taken to prevent it being
10 seen by the public?

11 PRESIDING JUDGE STEINER: Court officer, please.

12 THE COURT OFFICER: The document as referred to by counsel is available on the
13 screens. It's a confidential document and would only be broadcasted inside this
14 courtroom.

15 MR HAYNES:

16 Q. Now, sir, Mr Judes, nobody can see that photograph apart from us, but
17 everybody can hear what you're saying, and at least for the time being would you
18 mind not using anybody's name? Do you understand me?

19 A. Yes, that's clear.

20 Q. Now, (Redacted) I believe is the (Redacted)
21 (Redacted) on Friday afternoon; is that right?

22 A. Yes, it indeed (Redacted).

23 Q. And I don't know whether you remember what she said on the videotape we
24 watched on Friday afternoon, but one of the first things she said was that she, like you,
25 had lived in Sibut all her life. Do you remember that?

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1 A. She lived in Sibut, but she is not from that place. She is from Chad.

2 Q. Is she? How do you know that?

3 A. Her husband was another person of authority in Sibut. Her husband was
4 called Maliembo -- Maliemo (phon). That's what her husband's name was, and after
5 her husband died she decided to stay in Sibut.

6 Q. Do you agree that she is the president of an organisation which represents
7 Central African women?

8 A. In the past. Yes, in the past, but not now. It's just now that she's been
9 appointed mayor, but during the events she was not the mayor.

10 Q. Do you know who was the mayor during the events?

11 A. It was (Redacted) (phon), but during the events he fled.

12 Q. You see, I just wanted you to help us with something. You thought about what
13 this lady had said on the videotape all over the weekend and you came here today to
14 tell us she was from Chad. Why did you think it was relevant we should know that
15 this morning?

16 A. I said so because Maliembo married her in Chad, then brought her to Sibut.
17 This was common knowledge. Everybody knew where she had come from, and
18 after her husband died she decided to remain in Sibut for political reasons. She
19 decided to stay in Sibut and to be involved in politics until she dies.

20 Q. Okay. Well, I'll try the question one more time. Why did you decide to tell us
21 this morning that this lady was from Chad?

22 A. I gave you that information because I do not agree with what she said. When
23 Bemba arrived in Sibut, there was no traffic. It was not possible for a vehicle to come
24 from Bangui to Sibut, so people gathered in that house to stage that video. Yes, it is
25 true that she agreed to stay in Sibut to be involved in politics, that is true, but I do not

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1 agree with what she said.

2 Q. Thank you. So to paraphrase, you think that the fact that she comes from Chad
3 indicates she's not truthful; is that right?

4 A. The three persons who spoke, well, she is of Chadian nationality, the other boy
5 was Cameroonian and the third person was a civil servant. So all three persons were
6 not natives of Sibut, and we are the ones who suffered, and I cannot entertain that
7 people who came from elsewhere should be making such statements about us.

8 Q. Thank you. Now, I just want you to have a look at the other people on this
9 photograph, and again without mentioning names, what sort of person is sitting to
10 that lady's right?

11 A. (Redacted)

12 (Redacted).

13 Q. Okay. Well, it's probably my fault. I meant the gentleman sitting who looks
14 as though he's a priest; do you agree?

15 A. Which father? Which priest are you talking about? Are you asking about the
16 priest, or the father of Sibut? No, that is not the priest from Sibut.

17 Q. Well, can you see the man wearing spectacles, who appears to have a black or
18 blue shirt on with a priest's collar on it?

19 A. The photograph is not very clear, so I'm not able to properly identify the people
20 on that photograph. Well, if you know those people's names, why don't you
21 mention the names and then I can confirm or deny what you're saying. So this
22 photograph is not very clear and I do not see the faces clearly enough to be able to
23 identify them.

24 Q. Very well. Can you just help us as to which gentleman you say is the (Redacted)
25 (Redacted)? Is it the man in a uniform standing over the lady's right shoulder, or is

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1 it the man in the light-coloured shirt who is the nearest to us in the photograph?

2 A. When I talk of "the (Redacted)," I am referring to the person sitting
3 next to the lady. His face reminds me of a (Redacted).

4 MR HAYNES: Thank you very much. Then we can take this photograph from the
5 screen and raise the blinds.

6 PRESIDING JUDGE STEINER: Court officer, please.

7 MR HAYNES:

8 Q. Mr Judes, in October of 2002 the president of your country was Ange-Félix
9 Patassé, wasn't it?

10 A. That is correct.

11 Q. And in the town of Sibut, were there representatives of his government who
12 worked in various capacities?

13 A. Counsel, how could that not have been possible? They were there, but during
14 the events everybody fled and no one could stay on. It was every man and woman
15 for themselves, and so there was gun-firing and no one could stay in the town.

16 Q. I want just to be clear as to who were government employees and who were not.
17 Was the mayor an employee of the government of Ange-Félix Patassé?

18 A. Counsel, the issue was not one of being a mayor or not being a mayor. When
19 there was gun-fire, there was no discrimination. Everybody ran helter-skelter.
20 Everybody fled.

21 Q. Well, that's what I want to explore with you. You mentioned somebody called
22 the prefect. Is he an officer of the government?

23 A. There was a préfet and there was a mayor, but both officials had fled. If the
24 préfet had been there, he would have been the one to receive Bemba, that's what
25 would have happened, but everyone had fled and so all those who met Bemba were

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1 people who were not established officials, so all those people were lying.

2 Q. And what about the commander of the police battalion; is he somebody who is
3 paid by and works for the government?

4 A. The police precinct is under the authority of a police commissioner. During
5 those events, the policemen and commissioners fled as well. They fled with their
6 weapons.

7 Q. Thank you. Now, let's leave that to one side for a moment and see if you can
8 help us with a bit of geography. Sibut is situated on a major highway, isn't it?

9 A. Sibut is at the junction between the Bambari and Kaga-Bandoro roads.

10 Q. Does the road pass through the centre of town itself?

11 A. The road goes through the market and there is a second stretch which goes
12 through Bambari and the other one goes through Dekoua, Bandoro and on to Kargbo
13 (phon).

14 Q. Thank you. And if you head north on that highway, you will eventually arrive
15 in Chad, won't you?

16 A. Yes, when you go through the Bandoro road, yes, but through Bambari you will
17 get to Kembe and Mingala.

18 Q. And if you head south on that road you will arrive first in Damara, but
19 eventually you will arrive in Bangui, won't you?

20 A. That is correct. To the south you have the road to Bangui, through Galafondo,
21 Gbagbo (phon), Piri, Damara and then Bangui. Those people spent a lot of time in
22 Damara.

23 Q. Thank you. So just to summarise, the road from Chad to Bangui passes
24 through the middle of Sibut, doesn't it?

25 A. That is correct, and I think it even goes as far as Nigeria.

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1 Q. Well, thank you for that. Now, General Bozizé's rebel forces came from Chad,
2 didn't they?

3 A. They came from Bangui, or rather they left Bangui and went into exile in Chad.

4 Q. And then they came back again from Chad towards Bangui in 2002; do you
5 recall?

6 THE INTERPRETER: From the Sango booth: The interpreters did not understand
7 the witness's answer.

8 MR HAYNES:

9 Q. Mr Judes, could you repeat your last answer, if you remember it? If you can't,
10 I will ask you the question again.

11 A. I no longer remember your question. Please kindly repeat it.

12 Q. Certainly. Do you remember in the month of October 2002 that General
13 Bozizé's rebel forces passed through Sibut on their way to Bangui?

14 A. No, they did not come by that road. They were following Miskine and they
15 went by another area before getting to Damara, chasing after Miskine, and I think the
16 area they went through was one through which one could easily move on to Damara.

17 Q. I want to ask you about a particular date which other people from your town
18 seem to recall. Does the date 29 October 2002 have any significance for you?

19 A. Counsel, when you put such questions to me, please you must note that I am
20 not an educated man. When you ask me about dates, I must confess that I am really
21 not in a position to answer you.

22 Q. Well, I'll leave that to one side and maybe we can jog your memory a little bit
23 later on. At some stage, even you agree that Bozizé's forces set up a base in or near
24 Sibut, didn't they?

25 A. I think that I must have said so, but not in relation to the date that you have just

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1 mentioned. I think I told you that they left, then the Banyamulengue arrived on
2 24 February. So it is correct that they did set up a base in the area, but not at the date
3 which you have mentioned.

4 Q. Okay. How long did they have a base in the area?

5 A. They did not set up a base as such. They were scattered in the neighbourhoods.
6 Some of them were at the Sokambi hotel. They did not have a base as such and one
7 week after they went through the Bambari road and then set up in Dekoua.

8 Q. How many of them were based in Sibut?

9 A. I think that when you talk about a base you are referring to some kind of camp,
10 but my testimony has been that the soldiers were scattered around the
11 neighbourhoods. They would gather and assemble in the morning and then move
12 on. So when you talk about a base, one must understand that it was a camp at which
13 the forces were living together. Now, the only group that had an established base
14 was the Banyamulengue.

15 Q. Well, let's forget about the Banyamulengue for a moment, because I'm trying to
16 understand some of your evidence. What did Bozizé's rebel forces do for food when
17 they lived in the area?

18 A. I think that they were able to buy food on the market, because foodstuff was still
19 available on the markets at that time, so I don't know why you are asking me about
20 the Bozizé rebels. This matter doesn't concern them and I don't see where you are
21 headed.

22 Q. Oh, okay. Well, we'll get there in the end. Did their need for food have an
23 impact on what food was available for the local population?

24 A. I think that these were fellow countrymen who spoke Sango and as need be
25 foodstuff could have been sold to them, particularly because they cohabited with the

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1 population and did not mistreat the inhabitants, but there really was no reason for
2 which they should not have provided food to them.

3 Q. Were there food shortages?

4 A. No, there were no food shortages. That was the harvest season and there was
5 enough food on the market, so they bought buckets of yams and potatoes for 500
6 francs per bucket, so there were no food shortages at that time.

7 Q. And what did they do for places to live?

8 A. I have told you that some of their leaders were at the Sokambi hotel, while some
9 of them were in school premises because no classes were going on at that time. So
10 they occupied those premises and facilities.

11 Q. Were any members of the population driven out of their houses by General
12 Bozizé's rebels?

13 A. Could you give me the example? Could you give me a single example? To
14 my knowledge, no one was expelled from his house and no one's house was occupied
15 by Bozizé's soldiers.

16 Q. What about the mayor?

17 A. But you asked me the question and I told you that the mayor fled, because
18 bullets do not distinguish amongst people. The mayor fled the events.

19 Q. Did the mayor flee when Bozizé's rebels arrived?

20 A. No, no one fled.

21 Q. What was the attitude of General Bozizé and his rebel forces to government
22 officials in the town of Sibut?

23 A. Well, I think they could be criticised for taking weapons from the police station.
24 That's what I know. That's what I saw.

25 Q. Sorry, can you clarify that, please? Who took weapons from the police station?

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1 A. But you asked the questions about the attitude of Bozizé's rebel forces to the
2 population, and I think I told you that they could be criticised of -- because they had
3 taken weapons from the police station in Sibut. They did not harm anyone
4 physically, not even the police commissioner or the police captain.

5 Q. Well, if Bozizé's rebels took weapons from the police station in Sibut, what
6 happened to the police force at that point in time?

7 A. No, they did not flee. They were just asked to turn over their weapons. First
8 of all, they were old rifles, maybe four of them, and then they left. At that time there
9 was a police captain and they were told that they were going to use them and then
10 give them back.

11 Q. So just so that we're clear, when you say the figures of authority ran away, who
12 are you talking about?

13 A. Well, when I say "authority," I mean the police, the gendarmerie, the republican
14 guard, the prefect and the mayor. Those are the authorities. When the rebels were
15 in the area, none of those authorities had fled. It was only when the Banyamulengue
16 arrived that the authorities fled, but you're talking to me about Bozizé's rebel forces
17 today. You're talking about the attitudes towards the inhabitants and I'm telling you
18 that they didn't mistreat the population. They did not commit any acts of violence,
19 or abuse. Today we are at this hearing to deal with the things that are being
20 attributed to Bemba's men, not to Bozizé's rebels.

21 Q. Yes, but didn't you tell us that the figures of authority ran away towards
22 Bangui?

23 A. Yes, they went through the bush to get to Bangui.

24 Q. And that the Banyamulengue and the other loyalist forces came from Bangui?

25 PRESIDING JUDGE STEINER: Yes, Mr Zeneli?

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1 MR ZENELI: Thank you, your Honours. I have taken note of your instruction to
2 not interrupt and I'm doing my best not to do so. I just think also in lack of the
3 reference to the question put by the Defence that it is not fair upon the witness to
4 think that he has stated that the Banyamulengues came together with loyalist forces.
5 It was never, if my recollection - my memory - serves me right that he said
6 Banyamulengues and other loyalist forces came to Sibut. So if the question could be
7 rephrased with your leave, that's my submission.

8 PRESIDING JUDGE STEINER: Maître Douzima?

9 MS DOUZIMA LAWSON: (Interpretation) Thank you, your Honour. Indeed, I
10 was going to speak when the Prosecutor decided to stand. I saw that the Defence
11 has been spending their time asking the same question four or five times and the
12 witness is constantly telling them that when Bozizé's rebels arrived, no authority fled,
13 and that when the Banyamulengue arrived in Sibut that was when all the authorities
14 fled, but they are trying to get him to say that when Bozizé's rebels had arrived that
15 the authorities fled. That's what they're trying to get the witness to do. They're
16 trying to bring him to the point that he says such a thing.

17 PRESIDING JUDGE STEINER: Maître Douzima, I think this comment of yours has
18 been already overcome for the following question put by Defence. I think that the
19 Prosecution has a valid question, so it would be for the Defence to rephrase or to give
20 the reference on when the witness said that the Banyamulengue and the other loyalist
21 force came from Bangui, please, Mr Haynes.

22 MR HAYNES: Thank you very much.

23 Q. From which direction did the Banyamulengue arrive in Sibut?

24 A. They came on foot from Damara to Sibut.

25 Q. So that is from the south, the same direction as Bangui; is that correct?

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1 A. But where is the town of Damara? Damara is on the Bangui road. Those
2 Banyamulengue probably were operating in Damara and they committed many acts
3 of violence and abuse there before they moved to Sibut.

4 Q. Thank you. And when the FACA forces arrived, did they arrive from the same
5 direction?

6 A. It was when the Banyamulengue wanted to withdraw, that was when the FACA
7 were sent to the locality.

8 Q. Thank you, but did they also come from the direction of Bangui and Damara?

9 A. Yes, that is the way they went. They took two military vehicles. They came
10 to replace the Banyamulengue who had withdrawn, some towards Bangui, others
11 towards Possel.

12 Q. And did you understand, from what Cercueil told you, that the Banyamulengue
13 were receiving their orders from President Patassé?

14 A. I'm not God. I don't know what happened, how it came to be that they came to
15 our town. Certainly someone must have given them instructions, but he, Cercueil,
16 told us that Patassé asked them to come and burn the town down because all the
17 women, all the men, of Sibut were rebels, and he added that he didn't want to do that
18 because he didn't see that and then he said that their president -- his president was
19 going to come. That's what he said during that meeting, that gathering.

20 Q. Thank you. Then there are three questions I want you to see if you can help us
21 with. Why did the figures of authority in the town of Sibut run or flee the town in
22 the direction from which the Banyamulengue were coming?

23 A. The authorities fled because the Banyamulengue had begun to shell the town.
24 They did so up until 5 in the morning. They were shelling the town from SOCADA.
25 No one could stay in the town. They had a piece of heavy artillery with some

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1 rockets, and when that piece of weaponry made a sound or -- no one could resist.

2 Q. But they ran towards where the fire was coming from; is that correct?

3 A. I didn't say that they took the normal path or road to flee. The authorities went
4 through the bush. The Banyamulengue were coming by way of the road, but
5 everyone was going through the road through Mabafiri (phon) in order to continue
6 up further, up higher, farther away, and even some officers went through the bush all
7 the way to Possel to take a pirogue - a canoe - to go down towards Bangui.

8 Q. And how do you know all this?

9 A. How could I not know? Those authorities weren't familiar with the bush.
10 They didn't know the paths that went through the forest. It was the inhabitants of
11 the town of Sibut. It was them who told them which path to take and help them
12 meet up again, how they could go up, move further up, and then on their way to
13 Bangui. So that's how I know that.

14 Q. Mr Judes, can you explain to us why, as officials of President Patassé's
15 government, figures of authority in the town were running away from forces under
16 his command?

17 A. We were all taken surprise by the shelling by the Banyamulengue, and the local
18 population, the civil servants, were not informed. When the shelling began, it really
19 was every man for himself. Every person was just trying to save his own skin.

20 Q. After the Banyamulengue arrived in Sibut, did you see the mayor?

21 A. Well, if the mayor was present in Sibut, would this lady have been allowed to
22 speak in the video? The mayor took refuge in the bush, in his farm.

23 Q. But did you see that he came back after the Banyamulengue arrived in the town
24 of Sibut?

25 A. Who are you talking about? Are you talking about the mayor? The residence

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1 of the mayor was along the main road. If he had gone out, I would have seen him.

2 During the events, he stayed in -- at his farm. He only would send out his children

3 or his wife to fetch products. Even the president -- even the president of the tribunal

4 took refuge in the bush and just managed as best he could. He set traps to catch rats

5 and then he would eat them as a primitive person would.

6 Q. Thank you very much. It sounds from what you say as though the president of

7 the tribunal was in the bush for quite a long time; is that right?

8 A. Yes.

9 Q. Three months?

10 A. About one month. He would put out traps to trap rats and women would

11 bring sweet potatoes to him in the bush. He spent a month in the bush before he

12 came out.

13 Q. And is the same true of the mayor of the town? He was in the bush for quite a

14 long time?

15 A. I told you that everyone - everyone - was affected by the situation. The heavy

16 weapons were thundering everywhere and no one could put up resistance. We

17 heard -- well, we were told what the Banyamulengue had done in Damara, so we

18 couldn't stay and be subject to the same treatment, so everyone fled into the bush.

19 Q. But these people didn't flee into the bush when the Banyamulengue arrived;

20 they fled into the bush a long time before that, didn't they? They fled into the bush

21 when Bozizé's rebels arrived in Sibut?

22 A. I've told you that those authorities - those people - did not flee because of the

23 rebels; they did because of the shelling by the Banyamulengue. I didn't mention the

24 name of Bozizé's rebels here.

25 MR HAYNES: Madam President, I have a little difficulty which is that the next

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1 logical step to this line of questions is a section of the videotape which is 12 minutes
2 long which we don't have remaining today, so that in my terms would be a
3 convenient moment to pause.

4 PRESIDING JUDGE STEINER: Yes, Mr Haynes. It would be better if we don't
5 have enough time.

6 Mr Witness, we will suspend for today. You can take some rest, have a very restful
7 night. We will continue tomorrow morning at 9.30 in the morning.

8 I thank very much the Prosecution team, legal representatives of victims, Defence
9 team, Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters, court
10 reporters.

11 I will ask, please, court usher to take the witness outside the courtroom. In the
12 meantime, we will adjourn and resume tomorrow morning at 9.30.

13 (The witness stands down)

14 THE COURT OFFICER: All rise.

15 (The hearing ends in open session at 3.55 p.m.)

16 RECLASSIFICATION REPORT

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

18 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.