

Trial Hearing  
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

1 International Criminal Court

2 Trial Chamber III - Courtroom 2

3 Situation: Central African Republic

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

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

6 Judge Kuniko Ozaki

7 Trial Hearing

8 Friday, 28 October 2011

9 (The hearing starts in open session at 9.33 a.m.)

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

11 Please be seated.

12 THE COURT OFFICER: Good morning, your Honours, Madam President. We are  
13 in open session.

14 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the  
15 case.

16 THE COURT OFFICER: Situation in the Central African Republic, in the case of The  
17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.

18 PRESIDING JUDGE STEINER: Thank you. Good morning. Welcome Prosecution  
19 team, legal representatives of victims. Good morning to the Defence team,  
20 Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters and court  
21 reporters. We will continue today with the questioning of Witness 47, and I then ask  
22 please, court usher, to bring the witness in.

23 (The witness enters the courtroom)

24 WITNESS: CAR-OTP-PPPP-0047 (On former oath)

25 (The witness speaks French)

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- 1 PRESIDING JUDGE STEINER: Mr Witness, good morning.
- 2 THE WITNESS: (Interpretation) Good morning, your Honour.
- 3 PRESIDING JUDGE STEINER: Did you have a restful night?
- 4 THE WITNESS: (Interpretation) Yes, your Honour.
- 5 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue giving
- 6 your testimony?
- 7 THE WITNESS: (Interpretation) Yes, your Honour.
- 8 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still
- 9 under oath. Do you understand that, sir?
- 10 THE WITNESS: (Interpretation) Yes, your Honour.
- 11 PRESIDING JUDGE STEINER: I also want to remind you that you are giving
- 12 testimony in open session. If at any time you think you need to give information
- 13 that should not be broadcast outside the courtroom, you just let us know and we can
- 14 go into private session.
- 15 Finally, I want to remind you that if at any time you need a break, just let us know.
- 16 I'll give now the floor back to the Prosecution that will continue questioning you.
- 17 Mr Iverson.
- 18 MR IVERSON: Thank you, Madam President.
- 19 QUESTIONED BY MR IVERSON: (Continuing)
- 20 Q. Good morning, sir. How are you this morning?
- 21 A. I'm fine, sir.
- 22 Q. Yesterday, went we left off, you were talking about the two occasions that you
- 23 transported Mr Bemba on your -- on the ferry which you operated. I just have a few
- 24 more questions about the first occasion and then I'd like to ask you a series of
- 25 questions about the second occasion. So on that first occasion when you transported

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1 Mr Bemba, were there any vehicles on the ferry at that time?

2 A. On the trip from Zongo to Bangui, there were no vehicles on the ferry.

3 Q. Now, was it possible for you to transport vehicles on that ferry?

4 A. Yes, it was possible, but on that day I think it was all reserved for the president,  
5 for the commander, just for him and his bodyguards. It was all intended for them  
6 alone.

7 Q. Now, you said that Mr Bemba spent approximately two hours in Bangui before  
8 he returned. How did -- how did he return? Can you describe how that happened?

9 A. When we arrived at the quay, once we had moored the security service,  
10 Mr Bemba's security men descended or disembarked rapidly. Three minutes later,  
11 the all-terrain vehicle that belonged to the security men contained Mr Befou, who was  
12 a French mercenary working for the presidential security detail, so he arrived in that  
13 vehicle with his entire team and the president and commander, Jean-Pierre Bemba,  
14 got into a four-wheel Mercedes Estate of a dark colour and they left rapidly from Port  
15 Beach. They left at break-neck speed. They forked off the road that goes to the  
16 national office against banditry. I don't know what happened then, but I do know  
17 that it was timed and it took them two hours after which they returned at a very high  
18 speed.

19 Q. And did you wait for Mr Bemba and his security detail at Port Beach for that  
20 entire time?

21 A. Yes, sir. When he arrived, the vessel had been activated for his crossing and  
22 return. If it was necessary to go and relieve myself, it was even necessary to ask for  
23 permission, to ask Warrant Officer Odon to -- it was necessary for Warrant Officer  
24 Odon to authorise these things. Even if I wanted to walk five metres further down  
25 the ferry, it was necessary to obtain permission from Warrant Officer Odon.

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1 Q. And when Mr Bemba and his security detail returned to Port Beach and to the  
2 ferry, did you cross back to Zongo with them?

3 A. Yes, sir.

4 JUDGE ALUOCH: Mr Iverson, I need to seek a clarification from the witness on this  
5 first trip.

6 This is from the transcript of yesterday's proceedings, when you were giving  
7 testimony about what happened as you were reversing the ferry. Part of the  
8 transcript reads: "This man hadn't understood the meaning of the manoeuvre ..."  
9 that you are making as you were reversing the ferry, "... how the ferry functioned, so  
10 he took his gun out and he fired."

11 Can I just clarify, please, did he fire it at you, or just generally to scare you? He  
12 didn't aim at you, did he, or he just fired in the air? Can you just explain what  
13 happened, please?

14 THE WITNESS: (Interpretation) This gentleman, who didn't understand the way  
15 in which this vessel had to be operated, well, when he took his gun out and opened  
16 fire, it wasn't to discuss things with me. I was at the command, or at the bridge.  
17 When he opened fire, he fired in the direction of the bridge.

18 With regard to the information you require, I could say that you can still see the traces  
19 of the bullet, the point of impact, on the vessel. God be praised for the fact that I am  
20 here today before your Court, but on the right side of my abdomen I still have the scar.  
21 So this is sufficient to show that, when this gentleman opened fire, it wasn't a joke.  
22 He was involved in providing security for Mr Jean-Pierre Bemba.

23 JUDGE ALUOCH: Mr Witness, if you say you still have a scar, is that from  
24 that -- from that shot, or what do you mean, because the transcript reads: "... it  
25 wasn't a joke. He was involved in ..." -- sorry, "... but on the right side of my

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1 abdomen I still have the scar." What does that mean, please?

2 THE WITNESS: (Interpretation) Your Honour, this shot hit me here and I still have  
3 this scar on the right-hand side of my abdomen. It grazed me here.

4 JUDGE ALUOCH: Thank you. I now understand you were actually -- he actually  
5 shot you.

6 MR IVERSON: Thank you, your Honour, and actually that causes me to have a  
7 follow-up question on that particular issue.

8 Q. Now, you may not know the answer to this, having been shot or having been  
9 grazed by a bullet, but did you notice if Mr Bemba reacted in any way to this event?

10 A. I have said, all the men providing security for him provided security for him  
11 alone, for the president and commander. When this shot was fired, he was still  
12 standing in the middle. Mr Bemba was standing in the middle of the vessel, with his  
13 cane, and as I said he was tapping his hand like this with his cane. He was there. It  
14 is Warrant Officer Odon who was also there.

15 I was panicking and it was Warrant Officer Odon who co-ordinated all the elements  
16 that concerned the crossing. He went, he got off and spoke to the number 1 man or  
17 number 2 man providing security on the ferry and this is how Odon went back up to  
18 the bridge and told me to muster my courage and to reach the quay in Bangui.

19 Q. So as far as you know, when this happened Mr Bemba continued to stand in the  
20 middle of the ferry, tapping his cane into the palm of his left hand; is that right?

21 A. Yes, sir. And afterwards he made this kind of a gesture with his hand to  
22 indicate that the ferry should reach Bangui.

23 MR IVERSON: And for the record the witness is gesturing with his right hand,  
24 pointing with his hand forward with the palm open.

25 Q. Sir, I'd like to just go back to what we were discussing a few moments ago.

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1 When you arrived -- and we're still talking about the first occasion here. When you  
2 arrived back in Zongo, did Mr Bemba then disembark and go to the helicopter?

3 A. Just before one of the Judges put this question, we were dealing with Bangui,  
4 dealing with his return, after he had spent two hours at the other place and then  
5 returned and then the Honourable Judge put this question to me. I don't know  
6 whether you can find your bearings there?

7 Q. Very well. Do you have any other information to add about how Mr Bemba  
8 and his security detail loaded the ferry in Bangui?

9 A. When he returned, it was the all-terrain vehicle, the Mercedes Estate all-terrain  
10 vehicle of a dark colour, that he used to return together with all the security officers  
11 who were escorting him and as well as the leader of the presidential security at the  
12 time.

13 When they arrived at a very high speed, I was on the bridge in order to activate the  
14 engine, the vessel, and to make it possible for the all-terrain vehicle to accede to the  
15 bridge. In front of the French Embassy, he got out. His security officers ran  
16 towards him. They got on to the ferry and he proceeded on foot. Then he got on to  
17 the -- on to the ferry, he went up the ramp.

18 There was a white Hilux Toyota all-terrain vehicle that subsequently arrived, and in  
19 that Toyota all-terrain Hilux vehicle there were empty Sprint cigarette boxes. There  
20 were nine boxes, they hadn't been closed, and these boxes were full of bank-notes, the  
21 denominations of which were 5,000 or 10,000 francs. So this was in the back of the  
22 white Hilux vehicle, and after the Hilux had got on to the ferry Warrant Officer Odon  
23 made a gesture indicating that I should head for Zongo.

24 So during this two-hour period this is what Mr Jean-Pierre Bemba was able to obtain  
25 in Bangui, and then subsequently he crossed the river again and headed off in the

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1 direction of Zongo.

2 Q. And did this event happen on the first occasion of Mr Bemba's visit to Bangui,  
3 or did it happen on the second occasion, just to clarify that?

4 A. It was on the first occasion of his visit.

5 Q. I'd like to ask you some questions now about the second visit. So, if you  
6 remember, yesterday we have the first day and the 19th day. Do you remember  
7 when during that period Mr Bemba visited the second time?

8 A. If I remember this well, it was four days after his first visit. That is when he  
9 returned. He returned four days after the first visit.

10 Q. And was the manner of the second visit similar in terms of landing with the  
11 helicopter, coming with the security entourage, who first checked the boat to make  
12 sure it was safe for the president of the MLC and then crossing to Bangui, or did it  
13 happen differently?

14 A. It was the same as on the first occasion. This gentleman always travels with a  
15 full security team, whose task is to protect him.

16 Q. Okay. Then I would like to just ask you, once you arrived in Bangui with  
17 Mr Bemba and the security detail do you know where they went?

18 A. You're talking about the second occasion, isn't it?

19 Q. Yes, sir, that's correct.

20 A. The same thing happened on the second occasion. The same four-by-four  
21 Mercedes Break came to fetch him and they took off at high speed, headed for Bangui.  
22 Later on, Warrant Officer Odon told me that they were going to the 14 Villas.

23 Q. Do you know how long Mr Bemba was gone from your boat?

24 A. On average, I would put it at not more than two hours. Maximum two hours.  
25 It would not be beyond or above two hours.

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1 Q. And when Mr Bemba and his security detail returned, did they return in the  
2 same manner as the first time?

3 A. Yes, sir. In the same manner, yes.

4 Q. And did they also leave in the same manner, getting off of the ferry in Zongo  
5 and then going to the helicopter?

6 A. Yes, they went by the same road and the only way was to use the ferry.

7 Q. Now, did at any time Mr Bemba speak to you personally on either of the two  
8 occasions that you saw Mr Bemba?

9 A. No.

10 Q. On the second occasion, how was Mr Bemba dressed?

11 A. What I can tell you is that he had an attire and he wasn't wearing a belt. There  
12 was no belt on the attire he was wearing.

13 Q. Was he wearing military attire, a military uniform, as the first occasion, or was  
14 he wearing different attire?

15 A. That was a military style or type of attire. The second time around, the colour  
16 was slightly different, more like white, whitish/blue, or bluish/white.

17 Q. And the second time around was Mr Bemba armed?

18 A. He always had his vest on. He had his vest.

19 Q. Did he also have a weapon on him?

20 A. Yes, sir.

21 Q. Okay. Sir, now I'd like to turn to another topic and I would like to ask during  
22 the entire period, not just the 19 days, but also including days after those 19 days, did  
23 you ever notice any abuses by any militiamen or soldiers?

24 A. Please kindly repeat your question for clearer understanding.

25 Q. During this 19-day period and the days after this 19-day period, did you notice

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1 any abuses or bad behaviour by any militiamen or soldiers?

2 A. Yes, the militia committed a number of abuses on the people of the Central  
3 African Republic. There were cases of rape on the ferry, which I saw.

4 PRESIDING JUDGE STEINER: Mr Iverson, I apologise. If you don't mind, before  
5 we go ahead with the report of the witness on alleged crimes committed, I still have a  
6 question in relation to the previous topic and I would like to have a clarification from  
7 the witness and it starts on page 8, when the witness refers to a white Hilux Toyota  
8 that got into the ferry with these boxes, empty Sprint cigarette boxes, in which the  
9 witness could see bank-notes worth 5,000 or 10,000. This was in the back of the  
10 white Hilux vehicle. Then I got to the witness's statement, CAR-OTP-0028-0358 and  
11 59, the English, it's not possible to see the last number, but it is 0055-006 something.  
12 In any case, I will read part of the English version.

13 The investigator asked you: "Where was the money located, in the car or  
14 elsewhere?" And your answer: "According to the driver who brought them, the  
15 money, the four-by-four, there was a soldier who said to Odon. I was there. He  
16 gave his report in front of me. He said to Odon, and there is quotation marks here,  
17 "Here's what he said: 'Warrant officer, sir, Patassé says that there is no money to pay  
18 us our pay and salary, so there you go. He paid the head of Jean-Pierre Bemba's  
19 MLC militias nine billion CFA francs. They went off to get the money at the BEAC,'  
20 that is the bank of Central African states, 'and that was upon Patassé's instruction."  
21 This is what is said in your statement and I would like you to clarify the Chamber  
22 exactly what you heard about the money that was in this vehicle in your ferry.  
23 Could you give the Chamber details about this conversation you say you heard?

24 THE WITNESS: (Interpretation) Your Honour, during the events in the capital city  
25 of the Central African Republic, Central African civil servants and the soldiers of the

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1 army did not receive their salaries. When Mr Jean-Pierre Bemba crossed over for the  
2 first time, I enabled him to cross over and when he got to the quay he disembarked  
3 and spent two hours in Bangui in the Central African Republic. When he returned,  
4 the Hilux which you mentioned in your question, that Hilux was loaded with  
5 cartons - empty cartons - of Sprint. Sprint is a cigarette that is sold in the Central  
6 African Republic, so these were empty boxes or empty cartons about 1 metre 10 high  
7 and about 70 centimetres wide. Those cartons were full of bank-notes, 10,000 and  
8 5,000 franc cuts of bank-notes, and there were at least nine of such cartons loaded into  
9 the back of the Toyota Hilux.

10 PRESIDING JUDGE STEINER: Thank you for this better clarification, but now I  
11 want you to continue and tell me whether you know or heard anything about the  
12 origin of that money and for what purpose that money was there?

13 THE WITNESS: (Interpretation) I am the one who took Jean-Pierre Bemba over  
14 from Zongo to Bangui. When he came, he was empty-handed. All he had was his  
15 security men and the weapons for his protection. When returning from Bangui, he  
16 came back with money. A short while ago you talked about 9 million, but to my  
17 knowledge it was not 9 million. It was not 9 million.

18 JUDGE ALUOCH: Mr Witness, were these -- oh, sorry.

19 PRESIDING JUDGE STEINER: Let me just complete. You are right, Mr Witness, it  
20 was my mistake. In your written statement it said 9 billion - billion - but the  
21 information I wanted you to confirm or not to confirm or complete is the information  
22 that you heard from the driver that "Patassé says that there is no money to pay us, our  
23 pay and salary, so there you go. He paid the head of Jean-Pierre Bemba's MLC  
24 militias 9 billion CFA francs."

25 It's about this conversation that you heard -- you say you heard the driver that I

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1 would like you to clarify the Chamber, please.

2 THE WITNESS: (Interpretation) Madam President, the driver who brought the

3 Hilux was a soldier. Well, Bemba was in the middle and the Hilux went back.

4 There is no secret about this. This was all done in the opening. The cartons were

5 not closed. I've already told you that an empty carton of the Sprint cigarettes is 1

6 metre 10 or 1 metre 40 high and 70 centimetres wide, so you had nine cartons full of

7 bank-notes, 5,000 and 10,000 CFA bank-notes.

8 The driver then said "You see, Patassé claims not to have money to pay Central

9 African civil servants, but all of this money has been taken out of the BEAC, BEAC,

10 which is the bank of -- the Central Bank of the Central African States, and it is from

11 that bank that the money was taken and given to the MLC."

12 JUDGE ALUOCH: Mr Witness, you have actually answered my question. I was

13 going to ask you how did you know the cartons had money, but part of your answer

14 says "The cartons were not closed." So you were able to see the money; is that

15 correct?

16 THE WITNESS: (Interpretation) That is correct. You see, look at this box. Just

17 look at this box, for example. This is a small box. It's not closed here. It's not

18 closed. I have an eye. I can see what's in here, can't I? That's exactly the same

19 manner in which I saw those -- I saw it.

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

21 MR IVERSON: Thank you very much, Madam President and your Honours. And

22 just for the record, the witness is referring to the tissue box and pointing to the

23 opening with the tissues inside.

24 Q. Sir, I'd like to now go back to the questions that I was posing about the abuses.

25 You mentioned rape. You mentioned a few rapes, or several rapes. Well, in any

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1 case more than one rape. I'd like to ask you on how many occasions did you witness  
2 rapes?

3 A. On two occasions, sir.

4 Q. All right. Now I'd like to talk about each occasion in turn, and I know that this  
5 is an uncomfortable and awkward topic to discuss in public and so please just bear  
6 with me and do your best to describe what you actually saw. So I'd like to talk about  
7 the first incident of the two occasions that you say you witnessed rape.

8 Can you tell the Court in general what you witnessed on this first incident?

9 A. Well, this question that you have put to me is a horrible thing to see. On the  
10 first occasion, the militia had arrived at the quay in the four-by-four vehicles. They  
11 brought along with them eight women of different age groups. The youngest of the  
12 women was 13 years old and the oldest was 60 years old.

13 One has to understand the state of mind in which those women were brought in.  
14 They had been terrorised. They had bodily injuries on them. Some of them had no  
15 clothes on. They were naked.

16 Gentlemen of the Court, your Honours, let me tell you that there was a slogan being  
17 used in the capital city of the Central African Republic asking all men to flee. Ladies  
18 and gentlemen of the Court, throughout this 19-day period the people of the Central  
19 African Republic were not present in Bangui, everyone had fled, and I say this to this  
20 Court that everybody had fled the capital city. So you can see for yourself how  
21 things must have appeared to be at that time.

22 So they brought in these women, eight women. There were 22 militia - armed  
23 militia - then they started first of all by beating up these women even before bringing  
24 them to the quay. So what they wanted was to get me to cross over to Zongo, but  
25 since Warrant Officer Odon had not given me such an order, given that he was still at

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1 the naval base, they insisted that I should take them across, but I could not do so  
2 without the orders of Warrant Officer Odon.

3 So those women were there on the ramp, or on the deck, and they were being treated  
4 like goats being taken to a slaughter-house. So what did the women do? They  
5 asked me to help them. So I couldn't. At my level, I couldn't do anything. I was  
6 tired. I really couldn't do anything. So all I did was remain where I was unable to  
7 do anything whatsoever.

8 Then they started by tossing them and slapping them here and there. They would  
9 use the butts of their guns to hit the women and cause them to fall on the deck.

10 Madam President, please bear with me when I tell you that they pulled down their  
11 flies and pulled out their dicks, and this happened before me, and the women were  
12 on the ground shouting for help, but there was nobody - nobody - on that day.

13 Nobody on that day could come to their help.

14 So they would lay these women, right there in front of me, and they would say, as  
15 they did so, that it was thanks to the president commander that they had the  
16 opportunity on this day to sleep with a Central African woman.

17 Madam President, gentlemen of the Court, this is a situation I experienced personally,  
18 but I can tell you that today we are in times of peace. What I saw on that day is what  
19 I am now telling this Court, a horrible thing to see.

20 Q. Sir, could you tell us when on the -- between day 1 and 19 this event occurred?  
21 Please, sir, just take your time. If you need a moment, that is completely  
22 understandable.

23 PRESIDING JUDGE STEINER: Mr Witness, would you like to have a break, or you  
24 feel you are able to continue?

25 THE WITNESS: (Interpretation) I would like to take a break, please.

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1 PRESIDING JUDGE STEINER: We will have our break. I will ask VWU to provide  
2 you with any kind of assistance you may need. It's 10 o'clock. We will suspend for  
3 half-an-hour. We will resume at 11 o'clock. It's 10.30, sorry. 10.30. We will  
4 resume at 11 o'clock.

5 Please, court usher, take the witness outside the courtroom. Mr Witness, take your  
6 time, take some rest and I'm asking VWU to give you any assistance you need.

7 Court officer, please.

8 (The witness stands down)

9 THE COURT OFFICER: All rise.

10 (Recess taken at 10.30 a.m.)

11 (Upon resuming in open session at 11.14 a.m.)

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

13 PRESIDING JUDGE STEINER: Welcome back. We still don't have a full report, but  
14 the Chamber is informed that the witness still feels quite emotional, willing to  
15 continue with his testimony, and therefore it's just a recommendation that he has  
16 some time and takes his time in giving the answers and then the Prosecution try to  
17 understand his particular emotional state of As soon as we have more concrete  
18 information from VWU, the parties will be communicated of that.

19 Court usher, please bring the witness in.

20 (The witness enters the courtroom)

21 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

22 THE WITNESS: (Interpretation) Thank you, Madam President.

23 PRESIDING JUDGE STEINER: Are you feeling better? Can you continue giving  
24 your testimony?

25 THE WITNESS: (Interpretation) I feel better. Everything is well.

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1 PRESIDING JUDGE STEINER: Just to remind you, Mr Witness, if at any time you  
2 feel tired, or distressed, you just let us know and we can have as many breaks as  
3 necessary.

4 THE WITNESS: (Interpretation) Yes, madam.

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

6 MR IVERSON: Thank you very much, Madam President.

7 Q. Sir, I just want to say from the outset again that this is obviously a very  
8 unpleasant topic and so I just want you to know that no one expects you to be  
9 unemotional, no one expects you to quickly go through the testimony and so I want  
10 you to be as comfortable as is possible under the circumstances, but it is necessary  
11 that we understand what you witnessed.

12 So, having said that, I'd like to just ask you again about this first incident that you  
13 mentioned before the break, but before I do that I just want to clarify something with  
14 you. Now, you just described one incident of what you referred to as "rape" and you  
15 had said that there were two such occasions. In your statement you mentioned three  
16 occasions, and I just wanted to clarify what you mean by that so that the Chamber  
17 understands what your testimony is. Could you clarify that, sir?

18 A. Very well, I shall bring some clarification to the matter before this very Court.  
19 It is true that these events date back somewhat. To my knowledge, I know that there  
20 were three occasions of such violent acts that I was an eyewitness to. I can confirm  
21 that.

22 Q. And just so the Court fully understands, do you mean three occasions on three  
23 separate days?

24 A. Yes, sir.

25 Q. Thank you for that clarification, sir. Now I would like to return to the first

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1 incident that you just described before the break. Do you recall when this incident  
2 happened, using the first day to the 19th day as your guide?

3 A. This occurred on approximately the 12th and 13th day.

4 THE INTERPRETER: "12th," repeats the witness.

5 THE WITNESS: (Interpretation) The 12th day.

6 MR IVERSON:

7 Q. And just for further clarification, do you recall if this incident happened before  
8 the first arrival of Mr Bemba, or after the arrival of Mr Bemba?

9 A. After his arrival.

10 Q. And where was the ferry docked at this time? I know in Bangui, but could you  
11 be a bit more specific about its location?

12 A. The ferry was docked at Port Beach in Bangui, opposite the French Embassy.

13 Q. And is that where you always docked the boat in Bangui during this period, at  
14 Port Beach?

15 A. Yes, sir.

16 Q. Sir, you described how these people - the perpetrators - wanted you to go to  
17 Zongo. Were you able to determine who these people were, the perpetrators?

18 A. They were militiamen from the MLC.

19 Q. And in what language did they communicate to you, or did they communicate  
20 with you?

21 A. Could you please repeat your question for a better understanding?

22 Q. You said that these militiamen from MLC spoke to you and wanted to go to  
23 Zongo. What language did they speak?

24 A. They spoke to me in Lingala, in an authoritarian tone, and they had weapons.  
25 They were holding weapons.

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1 Q. And did you speak back to them in their language, in Lingala?

2 A. I answered them in Lingala, while saying that I was under the orders of Warrant  
3 Officer Odon and that they should contact him directly.

4 Q. And did they accept your explanation of why you couldn't cross to Zongo?

5 A. They did not accept my explanation.

6 Q. So does that mean that they continued to ask - to request - that you went to  
7 Zongo, or did they demand that you went to Zongo?

8 A. I would say, sir, that we are currently in times of peace here today in this  
9 courtroom, but these militiamen were smoking hemp and the manner in which they  
10 belaboured the point, well, you would not be able to put up with the manner in which  
11 they offended me, in which they insisted that I take them, that I shuttle them across  
12 the river. They were holding weapons. As I said to you, they were holding  
13 weapons.

14 Q. Well, why didn't you end up shuttling them over to Zongo in the end?

15 A. The battery was in the hands of Warrant Officer Odon. There is a key system,  
16 you know, like in this courtroom and if you do not have the code for the door the  
17 door cannot open, and that is the same on our ferries. We have a contact key for the  
18 battery, and this was in Warrant Officer Odon's hands, and once he would hand the  
19 key over to me then I could turn the engines on.

20 Q. And did you tell the militiamen from the MLC that you didn't have the contact  
21 key?

22 A. I told them that, in terms of orders, they should direct themselves or they  
23 should address themselves directly to Warrant Officer Odon. That's what I told  
24 them.

25 Q. When they -- when the militiamen from the MLC demanded that you cross to

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1 Zongo, and you told them that you could not because you didn't have the contact key,  
2 or you told them that -- to direct -- to ask the warrant officer, where were you located?  
3 Where were you standing in relation to the ferry?

4 A. I was on the ferry itself. I couldn't get off the ferry. I was on the ferry.

5 Q. And you mentioned that there were a total of 22 militiamen. My first question  
6 about that is: How do you know that there were 22 militiamen?

7 A. I counted the number of men.

8 Q. Now, I just want to step away from this incident for a moment and recall some  
9 of your testimony from yesterday, in the beginning, where you were talking about a  
10 lot of numbers. I noticed that you mentioned a few numbers. How well or how  
11 good are you at dealing with numbers, remembering numbers, dealing with figures,  
12 that kind of thing?

13 A. Well, given that I'm a technician, it's necessary to be able to count. That's  
14 normal. It must be possible to make estimates in the fraction of a second to operate  
15 the vessel correctly. If I take too much time to do these things it's possible for the  
16 ferry to sink. It's better to take up less time, when doing such things, in order to be  
17 able to navigate the vessel or operate the vessel in an appropriate way.

18 Q. Now, going back to the incident, you mentioned that you were on the ferry.  
19 Where were those 22 militiamen from the MLC when you were on the ferry, when  
20 you were discussing going to Zongo?

21 A. They were on the ferry, on the bridge. I told you that the ferry is of a  
22 rectangular shape, as is the case for this courtroom, and on the other side - where you  
23 are - you have the bridge and lower down you have the engine room. Below you  
24 have the holds, and the propellers are in the water, so you can imagine the shape.  
25 It's like this rectangular courtroom, and that is the shape the ferry had, too.

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1 MR IVERSON: Could I ask the court officer to please display CAR-OTP-0028-0398,  
2 and this is a confidential document and the Prosecution would like to request that it  
3 be reclassified as public. We discussed this photograph briefly yesterday. There  
4 are no identifying features from the Prosecution's perspective, and the witness  
5 himself already verified that he is depicted in the foreground of the photograph.

6 PRESIDING JUDGE STEINER: Mr Haynes, may I take your -- the position as you  
7 expressed it yesterday, about reclassification of all these documents?

8 MR HAYNES: Madam President, you may.

9 PRESIDING JUDGE STEINER: Therefore the document is reclassified as public and  
10 can be displayed in public session.

11 THE COURT OFFICER: Document CAR-OTP-0028-0398 is now available on your  
12 screens. It's a public document.

13 MR IVERSON:

14 Q. Now, since you're depicted in this photograph, sir, can you tell us who took this  
15 photograph, if you remember?

16 A. I did. I myself. In this photograph -- well, rather, my camera has a delay  
17 device. When I got off to moor the ferry, to a mooring post, I set this delay device.  
18 You can see that I calculated the time by which I needed to delay the photograph, the  
19 taking of the photograph, so that's how the photograph was taken. I had to think it  
20 through.

21 Q. Sir, I see a few markings on the photograph. Did you make these alterations  
22 on this photograph?

23 A. Could you please repeat that question so that I can understand it more fully?

24 Q. Sir, if you look closely at the image on your screen you'll notice there are two  
25 arrows pointing off the side of the ferry and then there's also an "X" where the bridge

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1 is located. Do you know how those markings got there on this photo?

2 A. I marked the photograph with these arrows to make it easier for the  
3 investigators to understand and to demonstrate in a precise manner the physical  
4 shape of the vessel. As I have already said, the ferry has a rectangular shape.

5 Q. Very good. And the reason that I would like to show you this photograph is  
6 so -- I think it will facilitate the examination, so you can point to things in the  
7 photograph, so everyone understands what you're talking about when you refer to  
8 the size and shape of the ferry. Is this image a fair and accurate depiction of the  
9 photograph that you took?

10 A. Yes, sir.

11 Q. And just as a preliminary matter, who are the people who are on the ferry when  
12 this picture was taken?

13 A. All the people that you see on the ferry, all these men are MLC militiamen.  
14 You can see in the photo that the others here are loading the ferry with these cases of  
15 ammunition that are to be unloaded in Bangui.

16 Q. And so this picture was taken in Zongo; is that right?

17 A. It's in Bangui.

18 Q. And is this at Port Beach then, sir?

19 A. Yes, sir, it's at Port Beach, because it was possible for the lorries to reach that  
20 level to cross over to the other side of the river. The necessary work had been done  
21 for these lorries to have access.

22 MR IVERSON: Okay. I'd like to request to keep this image on the screen. During  
23 the course of the examination, the witness may want to refer to it, to clarify some  
24 issues, but I won't necessarily use it for every single question.

25 Sir, I'd like to go back now to the first incident of rape that you described and your

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1 interaction with the militiamen from the MLC. How many of the 22 militiamen  
2 actually came to speak to you about shuttling them to Zongo?

3 A. There were 22 of them, as I have said.

4 Q. And so did all 22 of the militiamen speak to you about going to Zongo, or was  
5 there a leader, or anything like that?

6 A. That's a very good question, sir. Let me add that all those who were members  
7 of the militia, well, they didn't have ranks. There were no corporals, or sergeants.  
8 Everyone was a commander among the militiamen, so they had such authority. In  
9 peacetime, well, imagine the atmosphere in a chicken coop. Well, when they arrived  
10 there that's how it was. They immediately ordered me to start up the ferry so that  
11 they could cross over.

12 When they were 30 metres away, only 30 metres away, well, there was no one there,  
13 and when they descended by the Office for the Repression of Banditry, when they  
14 descended and while they were descending the riverbank, we knew that there were  
15 soldiers who were arriving. I'm a technician and I can recognise the sounds of  
16 engines. When you accelerate, I can recognise that. When you slow down, I can  
17 recognise that. Given the way that they were driving, given the way that they were  
18 driving at a very high speed, I could recognise them. They had priority. There was  
19 no one there. There were no taxis on that day in the town of Bangui, so they had the  
20 avenues to themselves. They were advancing at break-neck speed and I knew that  
21 troops were arriving, and they were there and they issued orders with weapons in  
22 their hands and they said, "Take us over to the other side, to Zongo. Start your  
23 engine up."

24 Q. Sir, when they arrived was it already dark out, or was it still light?

25 A. It was in the afternoon, between 3 and 7 p.m. It was in the afternoon.

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1 Q. And can you describe for the Chamber, then, how these 22 militiamen brought  
2 these eight women on to the boat?

3 A. Sir, your Honour, Madam President, these women were in an all-terrain vehicle.  
4 They were escorted by these troops. They were afraid. When you saw them, you  
5 could see that these people had been physically abused. They had been taken  
6 against their will. They were made to get into the vehicles, as they had been  
7 threatened with rifles. Some of them didn't have any clothes, they were in skirts, or  
8 some had their clothes on them, so that was the state they were in when they were  
9 brought in.

10 On one occasion, on the bridge that you can see, that's where you have the wood, the  
11 women were made to go up to the bridge, but they used the butts of their rifles to hit  
12 them. It was like in the colonial times. They treated them as if they were being  
13 treated in that way in colonial times. There was this atmosphere of fear. They  
14 weren't addressed in a normal manner, and the women heard they were supposed to  
15 be taken to the other side of the river in Zongo and they started to cry out. They  
16 cried out for help. Who could have helped them? No one. And, sir, Madam  
17 President, at that point in time there were only the militiamen who had control of the  
18 town of Bangui.

19 Q. Do you have any idea who these women were, their identities, or where they  
20 were from? And I just want to add that, if you know any names, just let us know  
21 that you know the name. Don't say the name if you know, but just let us know what  
22 you know about their identities?

23 A. They were Central African women.

24 Q. And while you were observing this happen, are you on the bridge on the ferry?

25 A. On the screen we can see the ferry and you can see the bridge marked with a

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1 cross. I was there on the bridge. I could see everything that was going on in front  
2 of me. I could see the atrocities. I could see all of that.

3 Q. In this next question it may be difficult for you to pinpoint because there were  
4 several individuals, but where were the people on the boat? Were they all over,  
5 spread out on the boat, or in one particular location on the boat?

6 A. The 22 militiamen, who committed these atrocities on that occasion, they forced  
7 the Central Africans to get on to the ferry, and the ones who were ready to do their  
8 dirty work started hitting them with rifle butts, started kicking them, started hitting  
9 them. They started kicking them to make them fall over. The poor women didn't  
10 have any strength and they fell down. The militiamen took off their underwear,  
11 their bras, in a fraction of a second. They opened their zips. In fact, they only had  
12 pieces of rope and scarves that they had tied around them. They didn't really have  
13 zips. They -- their penis was erect and then they started raping the poor Central  
14 African women. They started raping them. Was it 50 or 80 kilometres away? No,  
15 this was happening on the ferry that you see in front of you on the screen. It was on  
16 the ferry.

17 Q. When you say -- when you use the word "rape," it's necessary to be precise.  
18 What do you mean by "rape", when you use the word "rape"?

19 A. You know, a sexual act as such is something that concerns two individuals, two  
20 consenting individuals. If there is consent, okay, but if such consent is absent, one  
21 starts kicking the other, hitting the other with a rifle butt, striking the other and this  
22 means that the other person is made to do something she does not want to do. So  
23 these poor women were kicked, they fell over and these men used their dicks, their  
24 penises. They penetrated the women in front of us; the women who were prostrated  
25 on the deck.

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1 Q. How long did this event last?

2 A. I couldn't provide you with an average estimate of the time it took, but the first  
3 militiamen who jumped on his prey, well, as soon as he had finished sleeping, or  
4 rather raping the woman, he would get up and another person would replace him  
5 and this is how they slept with the woman. So they came and went. One would  
6 finish, get up and another person would come and sleep with that very same woman.  
7 So when I saw all of this, I was beside myself. I was beside myself, because I had  
8 seen such things happening in front of my very eyes.

9 Q. Now, after this happened, did any of the 22 MLC militiamen come and talk to  
10 you about what you had just seen?

11 A. No, no.

12 Q. Do you know if it concerned them at all, that you were able to watch all of what  
13 happened?

14 A. No. I have told you that during those difficult times that the capital city of our  
15 country and the rest of the country experienced at that time, they had the weapons.  
16 They had monopoly over everything, and they didn't care about what was happening  
17 to you. They were there for their business. That is what they had come to do.

18 Q. Do you know if -- do you remember if any of the 22 militiamen tried to conceal  
19 what they were doing, hide what they were doing?

20 A. Well, hide? Well, that would have been too much. As you can see, the ferry  
21 is an open structure. There is no roof. You cannot hide anything. From my  
22 position on the deck, I'm able to see everything that is happening. I have the engine  
23 behind me. I see the propellers. You know, I can see the propellers from my  
24 position and everything that happens on the ferry cannot be hidden. You can't hide  
25 a thing. There is no compartment, there is no section or spot at which anybody

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1 could hide. Everything was happening right there in front of me.

2 Q. And when you observed this incident, was there enough daylight to see  
3 everything or did you require any kind of artificial lights to see anything?

4 A. I already told you, sir, that this ferry that you are looking at, in fact I told you  
5 initially, that this ferry was ransacked. There is no secrecy about it. These horrible  
6 scenes took place in the afternoon. The sun was still up. We still had sunlight. I  
7 didn't need a torch light or anything to be able to see what was going on, and that in  
8 fact is what overwhelmed me.

9 Q. Were all of the 22 militiamen armed with weapons?

10 A. Yes, sir.

11 Q. And again this is an unpleasant question, but while the act of rape was  
12 occurring what would the individual militiamen do with their weapons?

13 A. Gentlemen of the Court, these men were holding their weapons like this, and  
14 they were sleeping with those women and at the same time holding their weapons in  
15 their hands. They were sleeping with those women and holding their weapons in  
16 their hands at the same time.

17 Q. Sir, do you have any idea what the militiamen from the MLC intended to do if  
18 they were to go to Zongo, if you know?

19 A. I have no idea what they may have been thinking. No idea whatsoever. They  
20 asked to be taken across, but since Warrant Officer Odon had not authorised I was not  
21 able to say what they were thinking.

22 Q. And, sir, do you have any idea how these women, these Central African women,  
23 fell into the hands of these MLC militiamen?

24 A. After the militia had finished raping, some of our sisters then told us that they  
25 had been in Boy-Rabé and PK12 sectors and that they had broken down the doors of

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1 all the houses to search and determine whether there were any men in those houses.  
2 Then they looted property and then, thereafter, the ladies went back to their houses,  
3 and when the militia saw them they forcibly took them away.

4 Q. So you say after the militia had finished raping, did the militiamen then leave  
5 and the women stayed on or near the boat?

6 A. Those Central African women remained there, right there on the deck. They  
7 were there crying, calling out for help, asking for help.

8 Q. How long did the women stay on the boat after the militiamen left?

9 A. On average, and at the very most, 15, 15 minutes.

10 Q. Did you yourself attempt to help any of these women?

11 A. The first thing to do was to give them moral comfort, so I told them: "Be  
12 courageous, be courageous. Arise. Get up and try to find your way back home."

13 Q. Did you report this event to anyone, any of your superiors or anyone within  
14 SOCATRAF, or otherwise?

15 A. Your question -- well, let me tell you that during those difficult times in the  
16 capital city of the Central African Republic, at that time there was a slogan that was  
17 being used, calling on all the men to run away, to flee. So what I'm telling you is that  
18 there was nobody, not even the general manager of SOCATRAF, nor the deputy  
19 general manager of SOCATRAF, nor the operations manager, nor the heads of  
20 services, all of those people, all those people were in hiding.

21 So I was the only one who was exposed. My neck was on the line, so to speak.

22 And so, when I told them that this and this and such-and-such a thing had happened,  
23 what do you think they could have done? It was everyone for himself. People  
24 were trying to save themselves to the best of their ability, so what could they have  
25 done?

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1 PRESIDING JUDGE STEINER: Mr Iverson, if I may just complete your question.

2 So whether you had reported this fact to this Commander Odon, or not?

3 THE WITNESS: (Interpretation) Your Honour, when these things happened,

4 Warrant Officer Odon was not far away. He was there. They happened before him.

5 Sergeant Ilemala and the chief corporal were all there. They saw these things

6 happen. They saw these things happen, rather, and during the crossings, during all

7 those crossings, Odon did not have a weapon. Only the chief sergeant had a weapon

8 for the security of Warrant Officer Odon and the corporal.

9 MR IVERSON:

10 Q. Sir, did the warrant officer, the sergeant or the corporal, attempt to intervene to  
11 try to stop what was going on?

12 THE INTERPRETER: Addition to previous answer from the interpreters: "Odon  
13 only had walkie-talkies."

14 THE WITNESS: (Interpretation) Your question is one that calls me to try to  
15 compare the physical appearances, so the balance of power doesn't really balance.

16 Indeed, 22 persons against two, that's a balance of power that doesn't balance at all,  
17 never.

18 PRESIDING JUDGE STEINER: Mr Iverson, I'm sorry, but just not to lose the line of  
19 thoughts.

20 According to your views, did Odon or the Sergeant Ilemala have any authority over  
21 the militiamen, or not?

22 THE WITNESS: (Interpretation) No, madam. Warrant Officer Odon was only  
23 positioned there to co-ordinate signalling, or transmission. He had no authority on  
24 those militia.

25 MR IVERSON: Thank you, Madam President. You're always welcome to interrupt,

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1 of course.

2 Q. The Prosecution appreciates the clarification, sir. Sir, a while back you  
3 mentioned something about looting. I just wanted to ask you if you had noticed  
4 whether or not these militiamen had any equipment with them - any items with  
5 them - when they came to Port Beach?

6 A. When they got on the ferry, when they arrived, it was as if they had never seen  
7 any foam mattresses on the other side of the river. Anything that was a foam  
8 mattress, a satellite dish, and TVs and telephones, they hated all of those things, so to  
9 speak. They hated them to the extent that they would take everything away. You  
10 see, if they brought them here, they would take everything away, all of those items, as  
11 if they had never seen them before.

12 Q. So -- and I'm just confining my question again to this first incident, what you  
13 say happened on around the 12th day of the 19 days. On that day, did they bring  
14 foam mattresses, satellite dishes, TVs and cell phones to Port Beach?

15 A. Yes, sir, they had them in their four-by-four.

16 Q. And what did they do with those items?

17 A. Opposite the position at which the ferry is docked, there are mango trees.  
18 Initially, they piled up those looted items under the mango trees and each mango tree  
19 had its owner. Now, during those difficult times, let me tell you that no one could  
20 have gone from the 7th district to Bangui Town, nor from Bangui Town to the 6th or  
21 7th district. Bangui Town was under the control of the militia. Each mango tree  
22 along the river was used for piling up, or stacking, the looted items under the mango  
23 trees.

24 Q. I will come back to that subject later on during the examination. Sir, I'd like to  
25 ask you to take a look at the photograph on your screen, and for the record it is still

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1 CAR-OTP-0028-0398. Sir, could you tell the Court, if you remember, what those two  
2 arrows represent on the photograph?

3 A. Yes, sir.

4 Q. And, sir, could you tell the Court what do those two arrows represent?

5 A. Those two arrows are pointing to my position in relation to the shot, to the  
6 camera shot.

7 Q. Sir, I'd just like to read a short portion of the statement that you provided to the  
8 Office of the Prosecutor. The reference for the record is CAR-OTP-0055-0088, that's  
9 the English, and the French is CAR-OTP-0028-0382.

10 PRESIDING JUDGE STEINER: Yes, Mr Haynes.

11 MR HAYNES: I thought Mr Iverson objected to this method of examining the  
12 witness, reading sections of his statement?

13 PRESIDING JUDGE STEINER: Occasionally the reading can be done without any  
14 problem, Mr Haynes.

15 MR IVERSON: Indeed I have objected to reading statements, but it's for an entirely  
16 different purpose in this case, I would submit, and I think that purpose will become  
17 clear in just a few moments.

18 PRESIDING JUDGE STEINER: You can proceed, Mr Iverson.

19 MR IVERSON: Thank you, Madam President.

20 Q. Sir, I'm just going to read a short portion, and for those following along with the  
21 English it's about one-third down the page, the longest answer from the witness. It  
22 starts with, "They forcibly ripped off ..." You say, "And while these women were  
23 putting up a fight, they were getting closer to the edge of the ferry-boat and fell into  
24 the water." And then there is a parenthetical that says, "The witness shows Photo  
25 Annex B and uses two arrows to describe how the women fell."

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1 Now, I'd just like to ask you are these the two arrows that you're -- that are referenced  
2 in your statement?

3 PRESIDING JUDGE STEINER: Yes, Mr Haynes.

4 MR HAYNES: Well now I do object, because that is a flat leading question.

5 PRESIDING JUDGE STEINER: Mr Iverson.

6 MR IVERSON: I think it is a somewhat leading question, but I think it's appropriate  
7 because I don't think it's a real contested issue here. It's an effort to -- the statement  
8 was made a while back. The markings were made a while back. His answer to my  
9 initial question was, "Well, those arrows are pointing to me," and I took that to mean  
10 he didn't remember why he initially had made those markings. He was just simply  
11 commenting on, "Those arrows are pointing to me." That's how I interpreted that  
12 and that's why I responded in that way, and it does seem reasonable.

13 PRESIDING JUDGE STEINER: When Prosecution put the question to the witness a  
14 few moments ago, the question was put again in relation to the arrows on page 36,  
15 lines 8 and 9, I almost intervened because the Prosecution had already before  
16 answered to the same question. If I find the location I will refer to it later, but the  
17 fact is that in the first time the witness was asked he gave an answer, the second time  
18 he was asked he gave a different answer and now I see that in his statement there is a  
19 third version. I will allow the question, because now the Chamber needs a  
20 clarification on the meaning of these two arrows.

21 You can proceed, Mr Iverson.

22 MR IVERSON: I understand, Madam President, and let me try to address this in a  
23 more helpful way to the Chamber.

24 Q. During the course of the event that you described, did at any point any person  
25 fall off the boat into the water?

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1 A. Very well. The clarification sought by the Presiding Judge, well, is -- it leads  
2 me to say the following: We were talking about those initial events, and a short  
3 while ago I told you that there were three -- three -- three series of rape and abuses  
4 that occurred. So, you see, the arrow, maybe the question was not put properly, but  
5 I had already told you that in other cases some women resisted and they fell into the  
6 water at the point indicated by the arrow.

7 PRESIDING JUDGE STEINER: Mr Iverson, sorry, just to complete my intervention,  
8 the first time the question about the arrows was put, the relevant answer is on page 25,  
9 lines 1 to 3. You can continue, please.

10 MR IVERSON: Thank you, Madam President, and I apologise if I caused confusion  
11 with the manner in which I asked the question initially. It could have been handled  
12 better probably on my part.

13 Q. Sir, when -- I'd like to now talk to you about the second event, and the reason  
14 I'm asking this in terms of, you know, first event, second event and third event is so  
15 that the Chamber can best understand your testimony and how things happened,  
16 how things unfolded, and I think it's helpful to do that in a chronological order, if at  
17 all possible, and that's what I'm asking you to do. So the second event to which you  
18 refer, when did that second event occur on the one to 19 days?

19 A. Between the 13th and the 14th.

20 Q. And where did this incident happen?

21 A. This incident occurred on the ferry.

22 Q. And was the ferry docked at Port Beach?

23 A. Yes indeed, sir, at Port Beach.

24 Q. Sir, and what time of day did this second incident occur?

25 A. Could you please reconsult the page - I believe that it's part of my testimony, I

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1 think it's mentioned in the statement, the second occasion - so that I can revisit the  
2 issue somewhat?

3 Q. Sir, do you not remember exactly when the second incident occurred? Sir,  
4 would your statement refresh your recollection in this instance?

5 Madam President, can I just have a short moment to locate it? Thank you.

6 PRESIDING JUDGE STEINER: Yes, Mr Haynes.

7 MR HAYNES: I formally object to this but I don't imagine that's going to get me  
8 anywhere, but I do think it is appropriate when a witness is being asked to recall  
9 events he said he saw, if perhaps a preliminary question is put to him, namely,  
10 whether he can say whether it was during the hours of daylight or the hours of  
11 darkness, that seems to me to be the importance of the point in time and he doesn't  
12 need his memory refreshed as to that from his statement.

13 PRESIDING JUDGE STEINER: Mr Iverson, maybe I've lost something here, which is  
14 possible, when we are checking at the same time the statement and the transcript, but  
15 first I would like you to clarify which second event, what event you are talking about,  
16 and maybe followed by the question suggested by the Defence. At the end  
17 Mr Haynes is 100 per cent right, because the Chamber will allow, if need be, that you  
18 refresh the memory of the testimony -- of the witness.

19 MR IVERSON: I agree, Madam President. I think Mr Haynes' proposal is  
20 absolutely reasonable.

21 Q. Sir, when I talk about the "second event," what do you take that to mean?

22 A. We are talking here about violent acts, abuses, and if my memory serves me  
23 correctly this happened during the afternoon; during the afternoon.

24 Q. And again we're not talking about the -- what we were talk -- what we were  
25 calling the "first event" any more. We're moving on to another day completely. Do

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1 you understand that, sir?

2 A. Yes, sir, I do.

3 Q. Okay. At this point it might be helpful if I just ask you, could you just describe  
4 to the Chamber in your own words what happened on that day? What did you  
5 witness on your boat?

6 A. Once again, these were horrific scenes of rape committed by the militiamen on  
7 the deck of the ferry that you can see in the photograph.

8 Q. I'm sorry, I'm not getting any transcript here. I was just waiting for the -- okay,  
9 it is now working again.

10 Could I ask you again, again to perform an uncomfortable task, but a necessary one,  
11 and to describe in detail what you observed when you say you saw horrific scenes of  
12 rape. Could you please tell the Chamber what you saw on that day?

13 A. The horrific scenes that I was an eyewitness to, well, when the militiamen  
14 forcibly brought the Central African women, you see, these women of different ages  
15 when I laid eyes upon them I could read the fear on their faces. I could see that they  
16 had received bodily injuries and they had been slapped about and, as a result, they  
17 had fallen on the deck.

18 Their underwear was forcibly removed, was ripped off, and they took off the shawls.  
19 They took off the belts and also they undid their flies with a view to having sex. The  
20 women were forced. In view of the fact that they were not consenting, they were  
21 forced to oblige.

22 Can you see these two arrows here? Whilst they were resisting, whilst they were  
23 being slapped about and whilst they were being brutally treated, one of them fell into  
24 the water and this is why I indicated with an arrow the location where the woman fell  
25 into the water.

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1 PRESIDING JUDGE STEINER: Mr Iverson, I'm sorry. I think that there might be  
2 some misunderstanding in relation to what the Prosecution qualifies as "first event,"  
3 "second event," "third event."

4 I suggest that we go to our break. You have only two minutes, so there's not time  
5 enough for question and answer. In the meantime, I suggest the Prosecution gives  
6 more guidelines as to what event the Prosecution is asking the witness. Maybe we  
7 facilitate the second part of the hearing in that way.

8 Mr Witness, we'll go now to our lunch-break. You cannot only have lunch, but take  
9 some rest. It's quarter-to-1, but we will resume as usual at 2.30.

10 Court usher, please accompany the witness outside the courtroom.

11 (The witness stands down)

12 THE COURT OFFICER: All rise.

13 (Recess taken at 12.45 p.m.)

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

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

16 PRESIDING JUDGE STEINER: Welcome back. Before the witness is brought back  
17 into the courtroom, during the lunch-break the Chamber was informed that the  
18 witness stated that he was feeling better, although testimony remains difficult for him.  
19 The Chamber was informed that in the middle of the morning, when the witness felt  
20 distressed, the psychologist was really concerned about his mental and physical state.  
21 Now the Chamber is informed that the witness requested if he could read again his  
22 statement over the lunch-break, which was denied by VWU. It could not be allowed  
23 without Chamber's permission.

24 VWU informs that the witness would like to read, in particular, in relation to  
25 episodes asked by the Prosecution that because of his emotional state he felt slightly

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1 confused. He said that he would feel calmer if he would be given the chance to read  
2 these particular parts of the statements.

3 According to the witness, it would also make it easier for him to count or to repeat the  
4 story to the Bench, and he was informed that this information would be passed to the  
5 Chamber and he would have to wait for the Chamber's response.

6 The Chamber-- it was easy for the Chamber to note throughout today's hearing that  
7 the witness had difficulty recalling certain matters, mainly at the end of Prosecution  
8 questioning, in relation to events that the witness was confused, as well as the  
9 Chamber was, and they pointed out to Mr Iverson in this respect, and it was not only  
10 confused but he was having difficulty recalling certain matters.

11 There are a number of reasons why that may be the case, but the concern of the  
12 Chamber is that the Chamber needs to be assured that it receives the most accurate  
13 possible version of the witness testimony, while at the same time protecting his  
14 psychological wellbeing. The Chamber thinks that in this circumstance it might be  
15 useful to try to refresh the witness's recollection using his written statement.

16 As a first attempt, the Chamber instructs counsel, in particular in this moment  
17 Prosecution, that if the witness is unable to recall certain matters that are necessary to  
18 answer one of your questions, that you present him with the relevant part of the  
19 statement in which the issue is referred to, and such part of the statement will be  
20 displayed in the witness screen. The witness will be given some time to read silently,  
21 on the stand, in the hope that it may jog his memory.

22 Once he has completed the reading, you can put the questions. This is how witness  
23 recollection is normally refreshed, on the stand, but what the Chamber doesn't want  
24 to see happening is you reading passages of the written statement and asking the  
25 witness to confirm it or not. In this point, Mr Haynes correctly pointed out before

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1 the break we can be dealing with leading questions, and this is not of much use for  
2 the Court.

3 We will try this option. If it doesn't work, the Chamber will review its ruling on this  
4 matter.

5 Mr Haynes, do you have any comment on this?

6 MR HAYNES: I don't wish to be or to create an unnecessary inconvenience, but of  
7 course what you have just told us we were not expecting. It comes, if I may say so,  
8 in the form of a decision upon which we were not invited to make any  
9 representations before you announced it and I would appreciate five minutes to take  
10 my client's instructions on what you've just said.

11 PRESIDING JUDGE STEINER: Mr Haynes, just for letting the Defence and the  
12 Prosecution know, that the VWU information was sent to the Chamber ten minutes  
13 ago and this is just an instruction or an attempt provided by the Chamber to the  
14 parties in order to facilitate the testimony which is an obligation of the Presiding  
15 Judge according to the Rules of Procedure and Evidence. But, of course, you can  
16 have the time you need to consult with your client but, bearing in mind that it is the  
17 Presiding Judge's prerogative to facilitate the testimony without, of course, causing  
18 prejudice to the interests of the Defence. You can take your time, Mr Haynes.

19 MR HAYNES: Thank you, your Honour. If you discerned any note of criticism in  
20 my remarks, none was intended. I'm sure that these matters do arise ex improviso  
21 all the time.

22 PRESIDING JUDGE STEINER: No problem, Mr Haynes. While you consult your  
23 client, I would like to listen to the views of the Prosecution, of course.

24 MR IVERSON: Madam President, the Prosecution believes that what the  
25 Chamber has proposed is a fairly standard method of refreshing recollection, if the

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1 witness states that he doesn't remember something, and then is quietly able to read  
2 that which may refresh his recollection, and then proceed to answer questions on the  
3 information that -- upon which his memory was refreshed. And if I could just add,  
4 that a lot of times on my part it's -- since we were not able to talk to the witness about  
5 substantive matters before their testimony, when I'm asking the questions I don't  
6 know what question will trigger a response that I may be expecting based on the  
7 statement as I've read it, what question may elicit certain information. So it's a  
8 matter of, as an examiner, trying to feel out the witness and I think that may be also  
9 an element of what's at play or what we're seeing. And so it's a matter for me to try  
10 to, as you mentioned before the break, just to try to straighten out my questions to the  
11 extent that I can to make it as enlightening to the Chamber as possible and as less -- as  
12 little confusion as possible, if I can say it that way.

13 PRESIDING JUDGE STEINER: Thank you, Mr Iverson. And here I repeat again, as  
14 much concise and objective the question is, the easier it becomes for the witness to  
15 give an answer even without the need of going to the refreshment of the recollection  
16 exercise.

17 MR HAYNES: We make these brief observations: Inconsistencies in a witness's  
18 evidence are an indication of its truthfulness or otherwise, and this witness's evidence  
19 in particular today has been inconsistent, both within the testimony he has given  
20 before the Court and externally with the previous accounts he has given in interview.  
21 It is fundamental that this Court hears oral evidence.

22 We would, secondly, observe the events which he has described today, whether they  
23 be it the visit of a Head of State or gang-rape of women, are the sort of momentous  
24 events that occur once in a lifetime, the details of which should be seared upon your  
25 memory such that they don't get confused if your recollection of them is a truthful

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1 and accurate one.

2 Thirdly, we observe that there is a standard practice at this Court for witnesses to  
3 undergo what is called "a familiarisation process" during which time they are given  
4 proximate to the time of their testimony adequate and plentiful opportunity to  
5 remind themselves of what they have said on a previous occasion. That is the  
6 standard practice, and this is a substantial deviation from that practice but which we  
7 submit if over-used is merely going to amount to a confirmation of the witness of  
8 what he has said on a previous occasion, rather than any meaningful examination of  
9 his credible testimony.

10 That having been said, we do accept that circumstances do arise in which a witness  
11 can have his memory refreshed, but in these circumstances we submit it should be an  
12 instrument of the very last resort.

13 PRESIDING JUDGE STEINER: Thank you, Mr Haynes, and I can agree with you in  
14 the last point you raised, that this is an instrument of the last resort. In relation to  
15 the other points, we are not going to a debate at this point in time. Any  
16 inconsistencies on the witness's statement or testimony will be -- the Defence will be  
17 in a position and will have the time the Defence needs to go one-by-one into all these  
18 inconsistencies and to explore the truthfulness or otherwise of the witness's evidence.  
19 The comment that such events, momentous events, that occur once in a lifetime, the  
20 details of which should be seared upon your memory, such that they don't get  
21 confused, I must say that usually the psychologists have other views on traumatised  
22 witnesses or witness that witnessed very traumatising events. So I'm not going into  
23 this kind of discussion now.

24 And finally in relation to the familiarisation, the witness is given opportunity to read  
25 the written statement. I'm not so sure whether it's given adequate and plentiful

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1 opportunity to be reminded of dozens and dozens and dozens of pages. Maybe yes,  
2 maybe not.

3 In any case, Mr Haynes, all your concerns are on the record. You are right in saying  
4 that this is a last resource tool, and the Chamber will allow this tool be used  
5 whenever the Chamber deems necessary for the witness to refresh his recollections of  
6 the facts he alleged, witnessed.

7 At the same time please, Mr Iverson, try to be as more objective possible when asking  
8 about, mainly about events in order for the witness to be sure on what he's being  
9 asked about.

10 Could, please, the court usher bring the witness in.

11 (The witness enters the courtroom)

12 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

13 THE WITNESS: (Interpretation) Good afternoon, your Honour.

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

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

17 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony  
18 before this Chamber?

19 THE WITNESS: (Interpretation) Yes, madam.

20 PRESIDING JUDGE STEINER: I will give back the floor to the Prosecution,  
21 Mr Witness. The Prosecution will question you in a more concise and objective way  
22 in order for you not to feel confused about the questions, but whenever you feel  
23 confused or you don't know exactly what the question is you can ask the Prosecution  
24 to repeat or to put the question in another format in order for you to feel comfortable  
25 in answering to the question.

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1 THE WITNESS: (Interpretation) That's fine, your Honour.

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

3 MR IVERSON: Thank you very much, Madam President. As an initial matter,  
4 I would like to submit CAR-OTP-0028-0398 to the Court as evidence in this case, and I  
5 don't believe that we'll need to display it again but we may, depending on some of  
6 the answers from the witness.

7 Q. Sir, earlier today on - and for the record it's on page 16, line 6 of the  
8 transcript - you mentioned the naval base. Could you tell the Court a bit about the  
9 naval base and where it was located?

10 A. Thank you, sir. The naval base mentioned here is where the soldiers from the  
11 Central African navy were based. They had their barracks there.

12 Q. And how far was this naval base from Port Beach where the ferry was docked?

13 A. Well, from the naval base, when you are at the entry to the naval base, if you  
14 want to see the river, well, it's only a distance of 20 metres, but one forgets that where  
15 the ferry is docked, the ferry is in fact 100 metres in that direction.

16 Q. Sir, do you recall ever seeing the Banyamulengue or the militiamen from the  
17 MLC at the naval base?

18 A. Yes, sir.

19 Q. And just to be clear, do you consider the terms "Banyamulengue" and  
20 "militiamen from the MLC" as being interchangeable, meaning the same thing?

21 A. It means the same thing.

22 Q. When you saw the militiamen from the MLC at the naval base, what were they  
23 doing?

24 A. Having come from Zongo, once they arrived there that's where they would go  
25 to get their uniforms and green rubber boots.

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1 Q. Now, do you recall ever having witnessed any abuses take place at the naval  
2 base?

3 A. Please kindly repeat your question for a clearer understanding.

4 Q. Sir, do you recall ever having witnessed any abuses at the naval base?

5 A. Yes, there were abuses at the naval base and I saw them.

6 Q. Could you please tell the Court what you saw?

7 A. What I saw at the naval base was MLC militia coming in or arriving in the  
8 evening. They brought women of various ages, and they came in at a very high  
9 speed with their headlights and the hazard lights switched on. Then they entered  
10 the naval base, and at that time the naval base was understaffed. Then they asked  
11 us to free up the area where the pole of the Central African flag stood. We were  
12 immediately frightened and ran off to the investigations unit of the gendarmerie,  
13 which was just behind, and we were hiding there.  
14 The flag pole area which they asked us to free up had no lights. There was no -- no  
15 light. There was no -- there were no bulbs and we were on the other side in the dark,  
16 but we were able to see what was happening because the projector lights and the  
17 headlamps of the vehicles were all turned on.  
18 They alighted from their vehicles, many of them, and they were armed, and we were  
19 able to see women, young women and elderly women. The women started to cry.  
20 We could hear their voices and, you know, a woman's voice can be easily identified.  
21 We heard them shout out for help, but there was nothing we could do.  
22 Then each of the militiamen began to pull away the young girl, or the young lady or  
23 woman, who was closest to them, and this was not by consent. They were forcibly  
24 being taken away. These women, these young girls, were being forced into acts of  
25 sexual intercourse and, although the ladies fought back kicking and resisting, they

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1 were in any event tackled to the ground and we were still in a position to see what  
2 was going on and as usual they pulled off their clothes and then proceeded to do the  
3 thing, or to do the act.

4 Q. When you say "to do the act," what do you actually mean?

5 A. The act I am referring to here is that they used their genitalia, their masculine  
6 sex organs, to penetrate those young girls, those young ladies and those mothers who  
7 were within the naval base.

8 Q. Do you know if the perpetrators of these acts were able to see you?

9 A. As I told you, when they arrived at the naval base, and given that the naval base  
10 was understaffed, that there were no soldiers there, the other ones who asked the  
11 colonel to free up that area immediately. So they knew -- they knew that we were  
12 somewhere in the surroundings.

13 Q. Sir, could you estimate how many MLC militia were present?

14 A. On that day, on average there must have been between 25 and 30 of them.

15 Q. And do you know if all of the men there and the perpetrators were MLC  
16 militia?

17 A. They were all MLC soldiers.

18 Q. How did you recognise them as being MLC?

19 A. I already told you that I am the one who crossed them over. A Congolese can  
20 be recognised by his build and his features and I cannot forget that, so the language  
21 they spoke and those factors made me to come to the conclusion that they were  
22 Congolese. They had plastic boots; those types of plastic boots typically Chinese.  
23 Those are the types of boots they used at the time.

24 Q. Sir, do you know how many women were present at the naval base?

25 A. On average eight to 12, between eight and 12. When they brought them some

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1 were younger, while others were older.

2 Q. You mentioned that some were young girls. How many young girls were  
3 present?

4 A. At least three.

5 Q. Can you describe the women and the young girls? Do you know anything  
6 about them?

7 A. From a physical state point of view, they were perfectly frightened. All, or  
8 should I say some of them had flip-flops, while others were barefoot, others were  
9 wearing skirts and slippers, and what I can say is that they were entirely frightened on  
10 that day, in a state of perfect fright.

11 Q. Do you know whether the women and the young girls were in good health?

12 A. I do not belong to the health department to be able to be specific, but all I saw is  
13 that they were frightened when they came in, when they arrived in an area which  
14 was unfamiliar to them. They had never been there. The slogan in the capital at  
15 the time was that all men should flee, so when they were caught and brought into a  
16 barracks you can imagine the state of mind of those women at that time on that day.

17 Q. Sir, do you know where these women were from?

18 A. They came from one or the two districts of the capital where the militia had the  
19 greatest number of operations.

20 Q. How do you know that they were from one or two districts in the capital?

21 A. Once the act was committed, the women would be left shouting and crying out  
22 for help. I was able to try to comfort at least two of them, to encourage them, and I  
23 asked them where they came from and some told me they were from the 4th district  
24 while the others said they were from PK12. It is in those sectors that the militaries  
25 had taken them and brought them to the naval base.

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1 Q. Did any of the women describe to you the circumstances of their being taken, if  
2 they told you what happened when they were taken?

3 A. They told us -- they told me that these soldiers picked them up in a rather funny  
4 way, because in their sector what happened was that the soldiers broke down each  
5 door and searched every house, and the women who did not flee on that day were  
6 the ones that were caught by the soldiers.

7 Q. Sir, do you know the ages of the women? And if you could give your answer  
8 in a range of ages, what was the youngest and what was the oldest?

9 A. My approximation would be that the youngest was 13 and the eldest was 60.

10 Q. How far were you from the scene of the event, so the place where the vehicle  
11 lights were shining and where the abuses took place.

12 A. There was only a wall, a wall between us, a wall that separated us from them.  
13 You had the premises of the naval base and the investigating gendarmerie brigade  
14 were located in the same area separated by a wall, a wall which was about 1 metre 40  
15 high, and so we were on the other side of that wall which is -- which is as thick as a  
16 block. You know the size of a block, don't you?

17 MR IVERSON: Just for the record, the witness motioned with his hands that the  
18 block would be roughly 20 centimetres, 20 to 25 centimetres.

19 Q. Sir, did this wall obstruct your view in any way, your ability to see what was  
20 happening?

21 A. No, the wall did not stop us from seeing all what was happening. We were  
22 able to see everything that was happening.

23 Q. Sir, to which armed force did this naval base belong? Who was stationed  
24 there?

25 A. A moment ago I told you that the naval base belonged to the Central African

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1 marine forces.

2 Q. Sir, do you know if there were any Central African navy sailors present in the  
3 base when this event occurred?

4 A. What I saw during all those crossings is that the naval base was understaffed.  
5 There was a colonel, Mr Danjito, who was the boss of the naval base. Then there  
6 was the Warrant Officer Odon and the Chief Sergeant Ilemala and then a corporal.  
7 This was the number of persons who, at that time, made up the force or the strength,  
8 the manpower at the naval base at that time.

9 Q. And were there any other people present with you when you observed this  
10 incident?

11 A. Warrant Officer Odon was there, Chief Sergeant Ilemala was there, the corporal  
12 was there and I myself was there.

13 Q. What was the reaction of these people when they witnessed this incident?

14 A. I think it is for each individual to express their opinion about that day. There  
15 was a colonel in front of me. Now -- but maybe if the colonel was there I could have  
16 had some hope, but the colonel was already asked to leave the area and to quit that  
17 area, so you see how it was? I don't know how each of us or each of the persons  
18 present at that time may have felt or the impressions they may have had.

19 Q. Could I ask: What do you mean when you say "The colonel was asked to leave  
20 the area and to quit that area." What information do you have about that?

21 A. I told you that when they arrived with such a bang, they came down with  
22 weapons and ordered us to scram. The colonel had no weapons, he was  
23 understaffed, and all he could do was obey the orders that had been given to him.

24 Q. You mentioned earlier that the militiamen from the MLC didn't really have  
25 ranks that you could discern, but do you know if any of them, MLC militiamen you

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1 saw on that evening, had any ranks?

2 A. As I told you, in that group of militia everyone or everybody was a commander.  
3 Everybody.

4 Q. You mentioned that you could hear the cries of the women and the young girls.  
5 Were you able to hear and understand any of the words that they used, if they used  
6 words?

7 A. The youngest one of them was calling out for her father, "Father, father. Papa,  
8 papa, where are you?" And the younger ones were saying, "Oh, I'm finished. I'm  
9 finished. I'm dead. I'm dead," and they kept crying out for help from wherever it  
10 could come, but there was no help coming to them, because there was no one to help  
11 them out.

12 Q. Sir, how long did this event last?

13 A. I'm not able to give you an exact average of time to the second, but they only  
14 needed the time that it took for them to do their misdeed, because their goal was to  
15 abuse and to rape those women that they had brought in, and once that was done,  
16 they dumped the women and then went back to the field.

17 Q. Do you know if these militiamen carried weapons with them?

18 A. They were always armed, and they would go back and forth between the  
19 battle-grounds. They were always armed.

20 Q. And what would they do with the weapons while they were committing the act  
21 of rape?

22 A. I shall try and provide you with a description so that you can understand. So  
23 there's one militiaman holding a weapon. As I told you, there was a wall of  
24 approximately 1 metre 20, 1 metre 30 in height. So he has the weapon in his hand.  
25 You can imagine the way in which a dog walks, and he was there having sex with a

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1 woman whilst he was holding his weapon. He did not leave it anywhere to one side.

2 Some men had their weapon around their body, wrapped around their body, over  
3 their shoulder, if you like. They did not put their weapon to one side whilst they  
4 were having sex with these women.

5 Q. Do you know where the militiamen from the MLC went after it was all over?

6 A. Once the abuse was over, they got back into their four-by-four vehicle and they  
7 left whence they had come, and they were still travelling at great speed.

8 Q. And what happened to the women after this incident?

9 A. The poor Central African women, once the abuse was over, some of them were  
10 still rolling around on the ground. Others were in a great state of fear. They  
11 walked along the wall, others were moving on all fours, and they were all shouting  
12 out for help.

13 Q. At this point, were you able to provide help to them?

14 A. I could provide them with moral support. I encouraged them to get up and  
15 not to feel ashamed, because when they saw me they felt extremely shameful. They  
16 knew that we had seen the abominable acts that had occurred and they felt extremely  
17 shameful, so we had to boost their morale, encourage them to get up and go into the  
18 main building where the smaller engines were kept.

19 Q. You mentioned that they felt ashamed and previously you mentioned that they  
20 were frightened. How were you feeling at this moment?

21 A. I was in a state of fear, of panic, of frustration and I also felt ashamed. But in  
22 the face of these women I could not show my weakness; I had to provide them with  
23 moral support so they could get to their feet.

24 Q. And did they actually go to the main building where the smaller engines were  
25 kept?

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1 A. Yes. Some of them who were brave enough went inside to the room. Some of  
2 them were standing to my right, to the right-hand side of me.

3 Q. Aside from telling you about the searching of their houses, did they tell you  
4 anything else about any other abuses that they knew of?

5 A. The women said that things were very lively in their district, and they said that  
6 when the militia had caught them they did not know what was going on in the  
7 district that they had left behind.

8 Q. Do you know whether the militiamen who were involved in this incident were  
9 ever punished?

10 A. To my mind, no, they did not receive any punishment.

11 Q. Do you know if any of these events were publicised, whether there were any  
12 public complaints or outcry?

13 A. Could you please repeat your question for a better understanding?

14 Q. Do you know if there were any public complaints about rape, public outcry  
15 about rape or public protests about rape?

16 A. As far as complaints or outcry is concerned, I believe that during the heat of the  
17 events the administration was not operating at all. So for these ladies to be able to  
18 complain, well, precisely where would they go, in view of the fact that the  
19 capital -- there was so much tension in the capital at the time?

20 Q. Do you know whether once the situation calmed down there were any public  
21 protests or public outcry about these events?

22 A. As far as I'm aware, when things had calmed down somewhat, Central African  
23 Republic women rose to their feet and demonstrated in the streets in order to protest  
24 against all these violent acts. I believe that the march came to a sudden end.

25 Q. What do you mean by "the march came to a sudden end"?

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1 A. The police set up barricades, roadblocks and dissuaded them from continuing.

2 Q. Do you know when this demonstration took place?

3 A. I cannot recall the precise date, but what I do know is that the women rose up in  
4 protest and they protested in this Central African city with regard to the abuses that  
5 had occurred.

6 Q. Do you know if this protest happened before 15 March 2003, the day that Bozizé  
7 came to power?

8 A. Could you please repeat your question for a better understanding, sir?

9 Q. Sir, do you know if this protest happened before 15 March 2003, the day that  
10 Bozizé came to power?

11 A. Yes, I do believe that this occurred before Mr Bozizé came to power.

12 PRESIDING JUDGE STEINER: Mr Witness?

13 THE WITNESS: (Interpretation) Could I be allowed to relieve myself?

14 PRESIDING JUDGE STEINER: Of course, Mr Witness. Court officer, please.

15 (The witness stands down)

16 PRESIDING JUDGE STEINER: Mr Haynes, in the meantime may I -- court officer,  
17 please can we go for two minutes into private session.

18 (Private session at 3.48 p.m.)

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

20 PRESIDING JUDGE STEINER: Thank you.

21 Mr Haynes, it has nothing to do with the case, or the hearing. Has the  
22 Defence updated the list of persons that on the side of the Defence team are to receive  
23 notifications even of confidential filings?

24 MR HAYNES: I'll have to check that and get back to you. I can't immediately  
25 answer that. Can I take a few minutes and see if I can answer it before the end of

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1 the day?

2 PRESIDING JUDGE STEINER: Whenever, because I'm intending also to ask the  
3 Prosecution if both Prosecution and Defence can send to the court officer an  
4 up-to-date list of notifications, because I've been following this list. It's becoming  
5 bigger and bigger and bigger, and even in relation to Chambers with people that  
6 doesn't work any more. So these lists, they need to be updated from time to time.  
7 It's just --

8 MR HAYNES: Well, we can certainly do that, your Honour.

9 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

10 Yes, Mr Iverson?

11 MR IVERSON: And we'll of course do the same, Madam President.

12 PRESIDING JUDGE STEINER: Thank you very much. We can turn back into  
13 public session, please.

14 (Open session at 3.50 p.m.)

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

16 (The witness enters the courtroom)

17 PRESIDING JUDGE STEINER: Mr Witness, can we continue?

18 THE WITNESS: (Interpretation) I would like to, thank you, Madam President,  
19 and yes we can continue.

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

21 MR IVERSON:

22 Q. Sir, when you saw the MLC militiamen that night, did you notice whether or  
23 not they had any equipment with them, either military or non-military civilian-type  
24 equipment?

25 A. Please repeat your question for a better understanding.

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1 Q. Sure, I'll rephrase and try to be clearer here. Do you know if the MLC  
2 militiamen had any typical household goods in their possession on that evening?

3 A. As I said, when the militiamen would conduct their searches they would break  
4 down doors and they never leave a foam mattress, or a satellite, or a TV, or a  
5 telephone behind them. Upon their arrival in one of their vehicles, there were such  
6 items. They called this "war booty" and it was there in abundance.

7 Q. And, sir, do you know whether or not they organised this war booty, as you put  
8 it, in the same manner which you previously described under mango trees?

9 A. These objects, or war booty, were set down at the entrance to the Bangui naval  
10 base.

11 Q. Sir, do you know where these MLC militiamen obtained these satellites, TVs,  
12 telephones, mattresses?

13 A. All of these objects were as a result of looting activities.

14 Q. Sir, how do you know that these items were looted?

15 A. When I took them from Zongo to Bangui I did not see a single militiaman  
16 taking a foam mattress, or a telephone, or other things from Zongo to Bangui, but it  
17 was from Bangui to cross to the other side, anything like satellites, foam mattresses,  
18 mobile phones, TVs, et cetera, well, where do you think they got them from? When  
19 I saw these TVs, these foam mattresses, you can see that sometimes, you know, the  
20 antenna are bent and the cables are cut through, so you can see only too well that  
21 these items are the fruit of their looting activities.

22 Q. Sir, did you ever transport on your ferry any of these what you called looted  
23 items?

24 A. Yes, sir.

25 Q. And where did you -- where did you bring these looted items?

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1 A. To Zongo.

2 Q. And what happened to these items once you reached Zongo?

3 A. Those who had brought those looted goods, once we reached the quayside they  
4 would disembark these items in Zongo. So their aim was to come from Bangui to  
5 Zongo, and once they were on the other side in Zongo they were already home.

6 Q. Sir, the incident that you've just described at the naval base, when did that  
7 happen in relation to the event you described this morning on the ferry? Was it  
8 before the rapes on the ferry, or was it after?

9 A. This happened after the events which occurred on the ferry.

10 MR IVERSON: Thank you for your co-operation today, sir. I think it is -- the time  
11 has come now where we will break for the day, with Madam President's leave.

12 Madam President?

13 PRESIDING JUDGE STEINER: Thank you very much, Mr Iverson.

14 Mr Witness, that concludes your testimony for today. We hope we have a restful  
15 weekend. We will adjourn this hearing and resume on Monday morning at 9.30.

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

19 I will ask, please, court usher to accompany the witness outside the courtroom. In  
20 the meantime we will adjourn and resume on Monday morning at 9.30, and I wish  
21 you all a restful weekend.

22 (The witness stands down)

23 THE COURT OFFICER: All rise.

24 (The hearing ends in open session at 4.00 p.m.)

25 RECLASSIFICATION REPORT

Trial Hearing

(Open Session)

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- 1 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 2 ICC-01/05-01/08-3038, the version of the transcript becomes entirely Public.