

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0042

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Situation: Central African Republic

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

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

6 Judge Kuniko Ozaki

7 Trial Hearing

8 Wednesday, 16 February 2011

9 (The hearing starts in open session at 9.38 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, the court officer call

15 the case.

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

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

18 PRESIDING JUDGE STEINER: Thank you very much. I welcome the Prosecution

19 team, the legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba

20 Gombo. Good morning to our interpreters and court reporters. We are continuing

21 today with the questioning of Witness 42, but the Chamber was informed that the

22 Defence would like to make some oral observations and I ask the Defence whether the

23 Defence wants to make its observations in open or closed session?

24 MR LIRISS: (Interpretation) In closed session, Madam President.

25 PRESIDING JUDGE STEINER: Court officer, please let's turn briefly into closed

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1 session for the Defence observations and after that for the witness to be brought into
2 the courtroom. Closed.

3 *(Closed session at 9.40 a.m.) Reclassified as Open session

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

5 PRESIDING JUDGE STEINER: Thank you. Maître Liriss.

6 MR LIRISS: (Interpretation) Madam President, your Honours, yesterday before we
7 adjourned there was a minor incident - I do not know whether we can even refer to
8 that as an incident - regarding the line of questioning of the Defence with regard to
9 the witness who is currently on the stand. The Defence had admitted that the
10 Prosecution was indeed correct, because the questions were being put in open session
11 and that issues related to security were at stake, but the Defence also pointed out that
12 with regard to the relevance of the questions the observations of the Prosecutor were
13 not justified.

14 Considering that on several occasions you have indicated that when it comes to
15 procedural issues the witness should be asked to remove his headset, I thank you to
16 have given us the opportunity to clarify what we could not clarify yesterday
17 regarding our line of questioning and what we intend to do, particularly the
18 relevance thereof.

19 Madam President, your Honours, the Defence is convinced - clearly convinced - that
20 there was collusion between the witnesses. This conviction of the Defence is based
21 on the following considerations.

22 To begin with, the fuzzy image of (Redacted) because its director and founder is
23 also (Redacted) which is led by the same person who
24 witnesses are referring to today as liberator. The Prosecutor has also admitted
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 The Prosecutor himself denounced that organisation, and we have been denouncing
4 the organisation for a long time now. You will realise, and I would like to refer to all
5 the filings that we made during the request for admissibility and all the materials that
6 we included that this is correct.

7 The witness himself described this organisation as a Mafia organisation, and that is
8 not far from the Prosecution's description. And the Prosecution was the one that
9 recruited the witnesses who were members of the (Redacted) But that
10 denouncing was made when the Prosecutor had already closed its investigation, and
11 the Defence became aware of that only long afterwards. We do not accuse the
12 Prosecution or the Chamber, but our line of defence would have been organised in a
13 different manner.

14 Madam President, your Honours, all of us have learned here that there were grants in
15 the form of money from that government given through that organisation for the
16 intention of the witness. We have heard here that there were grants in kind,
17 including bicycle, medical treatment and the provision of foodstuffs.

18 Madam President, your Honours, I would like to go back to what Witness (Redacted) told
19 us from the very outset, and I will give you the references later. He indicated that
20 (Redacted) the current witness, was going to appear. What did he tell us?

21 What did his daughter tell us? That (Redacted)

22 (Redacted) The testimonies are each based on each other. Look at the (Redacted)
23 that the (Redacted) talked about and the fact that they practically occupied his
24 house.

25 What else did (Redacted) tell us? That every day (Redacted). This

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1 is the same thing that we are being told here, that (Redacted) were occupied. You
2 have just learned that his (Redacted) What did (Redacted) tell
3 us yesterday? From the very outset he told me -- he told us that (Redacted) was
4 going to come and testify, and that he confirmed (Redacted) own testimony to the
5 investigators.

6 Even yesterday he told you that he met with (Redacted). We are convinced that
7 before, during, or after the interviews of all those (Redacted) witnesses, each one of
8 them knew fully well the testimonies that were given by the others.

9 Another striking example, and that is the most worrying, is that if information or new
10 information were given to the witnesses or exchanged between witnesses while one
11 or the other of them was here at the Court under the responsibility of the authorities
12 of the Court, then that would be serious, except we are mistaken. We do remember
13 that during one of your -- in one of your oral decisions it was indicated that (Redacted)
14 (Redacted) Maybe

15 you have more correct information on that. And if that (Redacted)
16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted) Using what means? Telephone? I do not

20 know. But if he says that they spoke with each other, I think that this is a material
21 impossibility. (Redacted)

22 (Redacted)

23 much earlier or much later than the others.

24 As you are aware, Madam President, we have an obligation towards you and a duty
25 towards our client to obtain the fair administration of justice so that the decisions that

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1 you take should not be defective as a result of the behaviour of the (Redacted)

2 (Redacted)

3 You know that a trial that is pending before your Court has already been faced with
4 this issue of intermediaries. That is why the issue that we are trying to raise may not
5 seem to be obvious to you initially, but what we are asking for is to be able to prove
6 that there has been collusion between the witnesses.

7 We are asking for leave to do this based on the directives that you will issue, and if
8 that requires a private session then we are ready to give up the advantages of the
9 publicity of proceedings in order to discover the truth.

10 Madam President, your Honours, that was the submission of the Defence, and I thank
11 you very much for your kind attention.

12 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. I'm not sure whether this
13 is the kind of motion that Prosecution would make observations.

14 MS KNEUR: Madam President, may I have a moment, please?

15 PRESIDING JUDGE STEINER: Maître Douzima.

16 MS DOUZIMA-LAWSON: (Interpretation) Thank you, Madam President. I
17 would like to request leave to comment on just one word that was used by the
18 Defence. Thank you. On page 3, line 19 to 20, the Defence has just stated that the
19 witness currently at the stand now, actually on the stand now, described the current
20 president as a liberator. I would like to say that that description, using the word
21 "liberator," is not from the witness. It started ever since 15 March 2003 when that
22 coup d'état took place. That is a clarification that I wanted to make to say that it does
23 not come from this witness. Thank you.

24 MS KNEUR: Madam President, your Honours. The Defence counsel touched a
25 number of topics, which I tried in my short time to consult with my colleague to

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1 organise and to structure, and I will respond to at least some of them. But the main
2 point is, it's not clear for the Prosecution what Defence counsel is actually asking for.
3 With regard to objections that go to relevance, I think any party participating in these
4 proceedings has a right to raise its voice if there is uncertainty about the relevance,
5 and at the time Defence counsel was asking this line of question, it was at least not
6 obvious to the Prosecution how it matters for the purpose to prove collusion at which
7 (Redacted) or at which specific time of a day a witness met with another person.
8 With regard to witnesses taking off headsets, I think the ruling of your Honours is
9 quite clear, that you do not prefer this procedure due to respect of the witness and
10 there may be better measures, so I will not address this.
11 The Prosecution fully understands the Defence case regarding the collusion, and the
12 Prosecution believes that there is a clear procedure how the Defence can present their
13 case. They can present collusion pursuant to the procedural provisions, and in
14 respect of security and safety to the witnesses. So, to that extent, I do not see a
15 problem. Then Defence counsel made several observations to the content of witness
16 testimony. I will not comment on them. It is a matter of perception, interpretation
17 and your Honours will take the final decision and assessment to that extent.
18 Perhaps perceptions are different.
19 And with regard to manipulation and intermediaries, at this point in time these are
20 allegations which the Prosecution -- which the Defence has to prove, so there's no
21 need for the Prosecution to comment on that. Thank you very much, your Honours.
22 PRESIDING JUDGE STEINER: Maître Liriss.
23 MR LIRISS: (Interpretation) Madam President, I think that there is a certain
24 misunderstanding with the Prosecution. I didn't ask for the witness to take his
25 headset off. I said that it is because you feel that it is not a respectful measure that

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1 yesterday morning -- yesterday afternoon I preferred to take the decision to wait until
2 today to raise this matter.

3 Now, of course, I am not reproaching the Prosecution for making an objection here at
4 all. I am saying simply that I'm explaining the relevance of the questions that we are
5 going to have to ask.

6 With regard to the other assertions, it was here that we learnt that there had been gifts
7 of money made by that intermediary in misuse of the funds. During the break, your
8 Honour, we will consult. It may be that we will request an ex parte hearing with
9 only the Prosecution present. We will inform you -- excuse me, with only the
10 Defence present. We will give you due warning and that will allow you time to
11 organise, but in the meantime all I wanted to do here was explain to you the line of
12 conduct that we adopted; the approach that we took in our questioning.

13 We didn't want there to be any misunderstanding on this point. Thank you very
14 much.

15 PRESIDING JUDGE STEINER: Thank you very much, Maître Liriss. I think the
16 Chamber really understood your point; the points raised by the Defence. I think
17 there is no specific request. Maybe the Defence will come with the specific request,
18 but not a specific request right now, but just a very few points that maybe would
19 deserve some clarification.

20 This Chamber - and especially the Presiding Judge - has been extremely tolerant with
21 leading questions put by the Defence. We understand that mainly Mr Haynes,
22 coming from a common law system in which leading questions are authorised in
23 cross-examination, and for that reason we have been quite tolerant, although this
24 Chamber has many times reminded the parties that here we don't have
25 cross-examination. We have Defence questioning witnesses.

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1 But maybe this tolerance of the President of this Chamber - of the Presiding
2 Judge - has been misunderstood, because sometimes it's quite clear that leading
3 questions have not only been put to the witness, but have been used in quite a
4 harassment against the witness and even many times put in the witness's mouth
5 words that were not said by the witness in order to see whether the witness can be
6 tricked, and this is not a line of questioning that is useful for the Chamber, for the
7 Judges, in their task to find the truth.

8 More than once the Chamber tried to remind the Defence that the Defence is
9 presenting its case to professional judges, and not always professional judges are
10 impressed by these kind of tricks put to a witness. On the other hand the Chamber
11 is really aware that the Chamber needs to allow the Defence to proceed in a way the
12 Defence understands is more convenient for the protection of the rights of the accused,
13 and the Chamber is mindful of that. What we are trying to do here, Mr Liriss, is to
14 find a balance - a proper balance - between protection of the rights of the accused, the
15 fundamental rights of an accused person, and the respect for the physical and
16 psychological well-being of a witness, and taking into account as well the peculiarities
17 of the witnesses that are coming to testify in this Court, the level of literacy, the kind
18 of traumatisation they allege to have suffered and other elements. So this is the kind
19 of balance that the Chamber sometimes feels the need to intervene and to call the
20 attention of the Defence for the Defence to try the Chamber -- to help the Chamber in
21 finding such balance.

22 The second point, Maître Liriss, that I would like to point out is that, if there are any
23 doubts in relation to the proceedings adopted by VWU, or by any ICC staff members,
24 I would very much prefer that the Defence files a motion, or a request, in that respect
25 for clarification for any reason and the Chamber will deliberate in granting, or not,

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1 such request. The Chamber is not happy with the idea that in public sessions
2 Defence tries to cast doubts about the conduct of court staff members. Of course the
3 Defence is allowed to do that, but then the Chamber would request the Defence to file
4 it, to file a request on that respect, and the Chamber will deliberate properly.
5 I think the words put by the Prosecution in relation to the right of the Prosecution and
6 as well the rights of the Defence to check, or to ask, about the relevance of certain kind
7 of questions is pertinent -- is relevant. What I can suggest is that, when the Defence
8 wants to advance something more precise about its line of defence in relation to a
9 certain witness, the Defence can always ask the Chamber to go into closed session and
10 the witness can be taken outside the courtroom. We don't mind if we have to just
11 lose some few minutes in doing so. If it is important for the Defence, the Chamber is
12 ready to do it as many times as the Defence wishes. Then maybe we can avoid
13 public exposure and a situation quite embarrassing to the witness, and maybe it's not
14 the intention of the Defence to make it clear to the witness what is its line of
15 questioning and the Chamber understands that.
16 So I would suggest the Defence to ask the Chamber to suspend the questioning of the
17 witness as many times as needed, the witness will be taken outside the courtroom and
18 the Defence can argue, or can advance, whatever issue the Defence deems necessary
19 without exposing the line of the defence to the witness, him or herself.
20 I think Judge Aluoch would also like to add something.
21 JUDGE ALUOCH: Well, it's something to -- some questioning, the line of
22 questioning yesterday, was touching quite heavily on (Redacted) and I
23 restrained myself from making any comments since (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted), but I

2 didn't want to say that yesterday. I didn't want to give my opinion of what I know,
3 because it was -- the time was for the witness, but that kind of arrangement is very
4 deliberate by the airline. Thank you.

5 PRESIDING JUDGE STEINER: I think that has just given us an example that maybe
6 there are some different interpretations on what a witness says, or what the Defence
7 intends to prove, but this is for the end of the case when the Judges will be able to
8 check statements, to double-check, to triple-check statements, to compare them and to
9 find the alleged inconsistencies that the Defence is trying to point out.

10 So could we go then into the continuation of this session, Mr Liriss? Mr Haynes, are
11 you ready?

12 MR HAYNES: Madam President, yes. Will you take the break at the normal time?

13 PRESIDING JUDGE STEINER: Yes. So I'm asking, please, the court usher to
14 introduce the witness into the courtroom.

15 (The witness enters the courtroom)

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

17 (Open session at 10.13 a.m.)

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

19 PRESIDING JUDGE STEINER: Thank you. Good morning, Mr Witness.

20 WITNESS: CAR-OTP-PPPP-0042 (On former oath)

21 (The witness speaks Sango)

22 THE WITNESS: (Interpretation) Good morning, Madam President.

23 PRESIDING JUDGE STEINER: Did you have a restful night, sir?

24 THE WITNESS: (Interpretation) Yes, I had a good rest. Thank you.

25 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony

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1 before this Court, Mr Witness?

2 THE WITNESS: (Interpretation) I have told you that the Court invited me here to
3 hear my testimony, so I am at the Court's disposal and I'm ready to answer all
4 questions.

5 PRESIDING JUDGE STEINER: Thank you very much, sir. Before I give the floor to
6 the Defence counsel, I need to remind you that you are still under oath. Do you
7 understand that, sir?

8 THE WITNESS: (Interpretation) Yes, I understand.

9 PRESIDING JUDGE STEINER: I also wanted to remind you that you are under
10 protective measures, that your voice and image broadcast outside the courtroom are
11 being distorted, and in order to keep you safe, and your family, please avoid
12 mentioning names of family members, of friends, of neighbours, in public sessions.
13 If need be, we can go into private session. Then you can speak freely because
14 nobody outside the courtroom can hear you. Do you understand that, sir?

15 THE WITNESS: (Interpretation) Yes, I understand that well.

16 PRESIDING JUDGE STEINER: And finally, Mr Witness, just to remind you that if
17 you feel tired or distressed, or for any reason you need a break, just to let us know
18 and you will have as many breaks as you want.

19 Mr Haynes, you can continue with your questioning.

20 MR HAYNES: Thank you very much, Madam President.

21 QUESTIONED BY MR HAYNES: (Continuing)

22 Q. Good morning, sir. We only have a fairly short session until our first break, of
23 about 40 minutes; is that okay?

24 A. Yes, I am at your disposal to answer your questions.

25 Q. That's very kind of you. I wonder if you would clarify something for me, and

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1 that is what your role was within the NGO called OCODEFAD.

2 A. Within the NGO OCODEFAD, I am a victim, and (Redacted)

3 (Redacted)

4 Q. And what was your (Redacted)

5 A. I think that you have advised me to avoid talking about things that may lead to

6 my identification. May I ask you: Are we in private session or in public session at

7 the moment?

8 Q. I have just appreciated we are in open session and we should be in private

9 session. I'm very, very sorry and thank you for pointing that out.

10 PRESIDING JUDGE STEINER: Court officer, please, let's go into private session.

11 *(Private session at 10.19 a.m.) Reclassified as Open session

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

13 MR HAYNES:

14 Q. What did you have to do (Redacted)

15 A. In any organisation you always have people who (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. And can you tell us what you mean by "certain information"?

23 A. The information in question, you're asking me what it consists of? Well, you

24 know, our NGO is supported from outside. As soon as the NGO receives aid, then

25 (Redacted) a meeting and as soon as the central office takes a decision it calls upon

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1 the various branches and informs them that aid has been received. The branch
2 managers then pass that information on to the other members and tell them, "We
3 have received some aid."

4 If we receive aid, that makes it possible for us to do certain work. For example, help
5 people in livestock raising or poultry farming. Then the members talk together and
6 identify a site that we can use for that livestock-raising activity.

7 So then (Redacted) the decisions necessary to help the donors to continue to
8 help us. That is what I mean by "information."

9 Q. What do you mean by "aid"?

10 A. The aid in question that I was talking about means all of the assistance, all of the
11 help that (Redacted) to the victims who have lost everything, who are demoralised
12 and who really need to be helped. It is very important that these people be helped to
13 forget and overcome the damage that they have suffered. The aid in question
14 involves provision of foodstuffs, helping people to feed themselves, for example. It's
15 that kind of aid that I'm talking about.

16 Q. Does it include money?

17 A. Since (Redacted)

18 (Redacted) We worked in, for example, gardening tasks and NGOs gave us the
19 seeds that we could plant, and we were also able to sell some of the produce from
20 those gardening activities. We opened up a bank account at Crédit Mutuel and we
21 would bank the income from that gardening activity in that account. We were
22 thinking that in that way we could grow our capital. And we were thinking that if
23 ever white people came and asked us what kind of work we were doing, what kind of
24 revenue-generating activity we were doing, we could present that bank account and
25 we could let them know that we were working in that way, and perhaps in that way it

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1 would incite them to provide us with support.

2 Q. And what did you mean by "outside support" when you said the NGO
3 depended on outside support?

4 A. The aid that I have talked about, you must remember that I'm only a member of
5 the NGO. Of course, (Redacted), but there are
6 decisions that come down to us from the head office. I've already told you here that
7 there was aid that arrived, for example, foodstuffs and other goods, bicycles and so
8 on, and we were responding to decisions that came down from the head office. I
9 was also given a mobile telephone (Redacted)
10 (Redacted) so that I could do my work. That constitutes aid. It was
11 not our country that gave us this aid. It was something that came to us from outside.
12 Was the aid in the form of money? Well, I have no way of knowing because it was
13 the head of the NGO that received all of the donations. Were the donations made in
14 kind? I really have no way of knowing. All I know is what I've just told you.

15 Q. Thank you. I was going to ask you about the cell phone. Were your bills also
16 paid on the cell phone?

17 A. I did not receive a mobile telephone in order to get information concerning the
18 bills. I just received (Redacted), and as I'm speaking to you here and now, that (Redacted)
19 is at my home. The people who were given telephones, well, I don't know, they
20 would have to answer you themselves. Are you talking about loans and loan
21 invoices? I don't know. There are loans made available in my country. For
22 example, credit of 250 francs can be transferred. Also, the --

23 THE INTERPRETER: Excuse me, any reference by the interpreter to credit should
24 have been to -- to loans should have been to credit.

25 THE WITNESS: (Interpretation) -- and there were some people who paid their own

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1 telephone credits as well.

2 MR HAYNES:

3 Q. It may be that my question was not a good one. But for how long did you keep
4 the cell phone?

5 A. The mobile telephone that I have is mine. I received it from someone else, but
6 it was somebody who gave it to me as a gift. The mobile phone did not come from
7 the NGO. What I received from that NGO was (Redacted), but the mobile phone in
8 question is my personal phone.

9 Q. Well, then could you clarify what you said at the English transcript, page 17,
10 line 23 -- 22 to 23, when you said, "I was also given a mobile telephone (Redacted)
11 (Redacted)

12 A. Perhaps the error comes from those who did the transcription. I didn't say
13 here that I was given a mobile phone, no. What I said here was that what I received
14 from the NGO (Redacted) This is what I received
15 and, when I received it, (Redacted) and
16 I said to them, "This is what the NGO has given me within the framework of the work.
17 If one of you needs to (Redacted), then that person (Redacted)
18 (Redacted) This is what I received from the NGO. I did not
19 receive a mobile phone. Some branches might have received mobile phones. I, (Redacted)
20 (Redacted) did not receive a mobile phone. I just received
21 (Redacted)

22 MR HAYNES: I think we can go into open session now, Madam President.

23 PRESIDING JUDGE STEINER: Court officer, please.

24 (Open session at 10.33 a.m.)

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

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1 PRESIDING JUDGE STEINER: Mr Haynes, just inform the witness that we are in
2 open session.

3 MR HAYNES: Yes. Yes, Madam President.

4 Q. Sir, we're in open session now, so please don't refer to the position you held. Is
5 that clear?

6 A. I have understood you well, counsel.

7 Q. How did head office contact you?

8 A. I told you that I had my own mobile phone, and the number was given to the
9 office, the management of the NGO, so if they needed it they would use the number
10 given to them in order to call me. They would call me and they would say,
11 (Redacted) there is going to be a meeting," and so they would use the mobile
12 phone number that I had given them in order to ring me. (Redacted)
13 (Redacted)
14 (Redacted) When somebody died,(Redacted) via the
15 number which was given to them.

16 Q. Is that the same telephone on which you were contacted by the Office of the
17 Prosecutor?

18 A. The same number that I communicated to the Office of the Prosecutor, and it
19 was via that number that they called me and all the people that I know also call me on
20 that number. The NGO in question also called me on that number. It is the same
21 telephone, the same number.

22 Q. Thank you. How did the Office of the Prosecutor get your telephone number?

23 A. When we joined this NGO, we went into the office of that NGO, and they had
24 rented premises in which we organised our meetings. One day white persons came
25 to the NGO, to the NGO management and they introduced themselves, and those

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1 NGO management then called upon us and we came together and we had an
2 interview with them. And on that day each of them communicated their contact
3 details and phone numbers, and this was how we gave all our phone numbers.
4 Furthermore, (Redacted), our telephone numbers are known by
5 central office. So the president of PK22 branch of the cattle market and the other
6 branches gave their telephone numbers, so the telephone number of all those
7 managers were known by the central office.

8 Q. Thank you. I'll just go back to this question and then we'll finish on this topic.
9 But do you have to pay for that telephone?

10 A. I said here that my telephone is something I received from somebody else. It
11 was a donation, a gift.

12 Q. But what about using it, do you have to pay for using it?

13 A. How pay -- how to pay for the telephone again? The telephone belonged to me.
14 It was a gift that had been made to me and everything that -- all my expenses that
15 I had with buying the recharges, the credit that I needed for the phone.

16 Q. Very well. Just one more question on this. On Monday you talked about
17 problems in OCODEFAD with embezzlement. What did you mean by that?

18 A. I would like to have a closed session in order to explain what happened.

19 PRESIDING JUDGE STEINER: Court officer, please, let's go into private session.

20 *(Private session at 10.40 a.m.) Reclassified as Open session

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

22 PRESIDING JUDGE STEINER: Mr Haynes, could you please give the reference
23 where?

24 MR HAYNES: Yes. It's 14 February in the English transcript, page 43, lines 18 to
25 21.

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1 Q. Sir, we are in private session. You were going to explain to me what you
2 meant when you said there were certain problems that had been pointed out,
3 embezzlement had been pointed out as a problem. What did you mean by that?
4 A. I spoke about embezzlement because when the NGO came to light, partners
5 subsidised and aided the NGO. These partners met the members, the victims. We
6 had meetings with them. They noted what had happened and they promised to get
7 aid from other international NGOs to help us, for example, with medicine, clothing
8 and other articles. This is what these partners said to us.
9 After the return we continued having meetings, but unfortunately we didn't see such
10 promised aid arrive. Nobody had got clothing for them or their children. We
11 didn't receive the promised medicine. We started to ask ourselves the question:
12 These white people who came, was it to -- were they taking the mickey out of us?
13 What are these white people doing? They came back and -- and they once again told
14 us that they were meeting the -- well, they met the president of the local branches,
15 and we asked the question: Why had they promised to us that they would get aid in
16 terms of medicine and other such items? Why? We had not received any of the
17 promised aid.
18 All the presidents of the local branches who were present at the meeting raised the
19 issue. They stressed this problem of false promises which had been made by the
20 partners and they noted that. They followed what we were saying and they said
21 that they would give us an answer subsequently.
22 During this time they took time to list all the aid that they had given to the president
23 of the NGOs. They'd checked everything and they asked questions with regards to
24 the management of this aid. Two days later, they called us back. I was a bit late.
25 Some members were already there. And when we came to the NGO management

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1 there was the vice-president, the treasurer, other members of the NGO. There were
2 other members who were already present there at the office. They were waiting for
3 the white persons to arrive. And those who came first were discouraged.
4 The vice-president said to them that the president of the NGO had called them and he
5 insulted them. He asked them why they accepted to have a meeting with white
6 persons without his authorisation and that -- without her authorisation, and that is
7 why they reprimanded the first group that was in place.
8 We met (Redacted) on the way and I said, "Well, why
9 are you going, leaving? We're just coming to the meeting." And he said, "There,
10 the situation is very confused." The vice-president of the NGO pointed out
11 what -- that the president had called everyone to insult them, to treat them with -- by
12 every name under the sun, and the reason was because of organising a meeting
13 without the president's authorisation. But we are human beings. We have -- we are
14 able to reflect. So how was this situation to be analysed? We are able to
15 understand that there was some funny business going on. These -- they hadn't told
16 the truth with regards to the aid to be granted and that's why I spoke about
17 embezzlement. They didn't want the meeting to be held with us so that we could
18 know the truth, and that is the result of our analysis. We have said there must have
19 been things which weren't going well. Certainly, these white people had given us
20 aid, but it was the managers who had embezzled this aid, and that's why these white
21 people called us, to explain the situation to us. And that's why there were attempts
22 made to stop the meeting and the whites who were frustrated, they left, and that is
23 how the NGO was suspended.
24 The whites asked for a congress to be held with regards to the central office, and
25 without that there wouldn't have been any more aid. That's what I can say with

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1 regards to that issue.

2 Q. Well, thank you very much for that very full answer. Would you mind if I just
3 asked you a few further detailed questions. Who is the president and who is the
4 vice-president?

5 A. The president was a teacher. The president is a teacher called Madam Sayo
6 Bernadette.

7 Q. And do you know the name of the vice-president?

8 A. No, I don't know the name of the vice-president. I'm only interested in the
9 president.

10 Q. Can you remember in which year these meetings took place?

11 A. These matters, well, I'm a human being. I can't remember all the dates. I can't
12 remember all the dates.

13 Q. No, that's why I only asked you if you could remember the year. Can you
14 remember the year?

15 A. It's difficult to remember the years. I think that the events took place -- well,
16 we had already met the people from the International Criminal Court personally.
17 I had already been interviewed. I'd already been interviewed, that was 22, 23,
18 25 August, by the investigators of the International Criminal Court. The event
19 happened afterwards; 2008. So it would have been towards the end of 2008, maybe
20 in the month of December, but I really can't tell you exactly when.

21 Q. No. Thank you very much. And who were the white people?

22 A. Well, who are the white people who brought aid to the NGO? I think they
23 were from the FIDH; that's the International Federation of Human Rights. If you
24 wish me to explain what FIDH stands for, it was these white people who regularly
25 came and they worked with victims. It was they who brought aid and assistance.

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1 Q. No, thank you very much, I think we all know who FIDH are. I want to ask
2 you just two or three questions about Madam Sayo. Are you happy to do that in
3 open session, or would you like to remain in private session?

4 A. Well, you're asking me the question as a victim -- a witness, rather?

5 Q. Yes. We're in private session now. Would you like to stay in private session
6 for two or three questions about Madam Sayo?

7 A. I prefer us to stay in closed session because my security could be threatened if
8 we go into open session because the woman that we are speaking about, she's a
9 member of the government. So if we speak in open session, certainly she'll know
10 that I came here and spoke about her. My life would be in danger. The Court has
11 to be informed of this so that precautions are taken. Measures must be taken to
12 protect my life. I reiterate that. I ask for the Court to take measures which are
13 consequent. I know my country very well.

14 Q. Then, subject to anything Madam President has to say, we will stay in private
15 session. When did you first meet Bernadette Sayo?

16 A. Thank you very much, Counsel. Who is Bernadette Sayo? I told you she was
17 a teacher. Her and her husband were in PK22. They lived in PK22, and from time
18 to time they came to the town centre. When the -- when Bozizé's rebels came to
19 attack, I want to speak here about their second attack which failed, the attack during
20 which they withdrew with the spokesperson of President Patassé. After the
21 withdrawal, on the 22nd, the Banyamulengue, they came and drove out the rebels,
22 where I had indicated previously. So that was in PK22. That's where the rebels
23 withdrew. The Banyamulengue fell into ambushes and they suffered heavy losses in
24 terms of persons as a result of the skirmishes and they started committing atrocities.
25 They were killing people, and that's why these rebels came. This Sayo I spoke about,

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1 they raped her in front of her husband and that is how Mrs Sayo wanted to resist
2 these -- well, Mr Sayo wanted to resist this and that's why the -- that's why they killed
3 him. And having raped her, they no longer needed to kill her.
4 When the situation calmed down after 15 March, well, I don't know if Mr Sayo had
5 other children who have grown up, who are living in Europe, but they had their
6 mother come to Europe and it was the children who gave money to create the NGO,
7 I don't know, the NGO called OCODEFAD.
8 After her return to Bangui she set up OCODEFAD. She obtained recognition from
9 the Ministry of the Interior, and after the granting of different authorisation, different
10 authorisations, she visited the -- visited to the chef de quartier where the
11 Banyamulengue had committed atrocities.
12 She informed these chiefs that she had created an NGO for victims, for victims of rape,
13 of pillaging. She asked the victims to come and join this NGO so that they could be
14 strong and such that internationally their voices could be heard, because if you act in
15 an isolated way, nobody is going to hear your voice. But if you organise yourselves
16 within an NGO, within one movement, then international opinion can be receptive to
17 your complaints. That's why she organised meetings in PK22, in the cattle market,
18 and also where her husband was killed, and that is how we, we were victims of the
19 atrocities of the Banyamulengue. We thought it was a good thing. We thought,
20 well, we've lost a lot. Our daughters were raped, and that is why we accepted to join,
21 (Redacted), we joined this organisation. That's all that I can tell you at this time.
22 Q. But did you meet her during the events, or afterwards?
23 A. Madam Sayo is a teacher; (Redacted)
24 (Redacted), as it were. Not in the same institute but (Redacted) She
25 was (Redacted) a teacher. (Redacted) It was only

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1 afterwards, after the creation of her organisation, when she set out an appeal through
2 the chef de quartier, that was how I, as a victim, ended up accepting to join her
3 organisation.

4 MR HAYNES: And I think we now have a break.

5 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. Let's turn into open
6 session, please.

7 (Open session at 11.02 a.m.)

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

9 PRESIDING JUDGE STEINER: Thank you very much. Mr Witness, we are going
10 to have a break now, a half-an-hour break, in order for you to take some rest. We'll
11 be back at 11.35, when the Defence will continue questioning you.

12 I'm asking, please, court officer to turn now into closed session in order for the
13 witness to be taken outside the courtroom, and in the meantime we are going to
14 suspend the session and resume at 11.35.

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

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

17 (The witness stands down).

18 THE COURT OFFICER: All rise.

19 (Recess taken at 11.04 a.m.)

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

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

22 PRESIDING JUDGE STEINER: Welcome back. Before we bring the witness in, I
23 would like to ask Mr Haynes whether the Defence has an estimation on the length of
24 the questioning, and I explain the reason why is that Witness 73 is in court, waiting.
25 So, if there is no expectation to finish today with Witness 42, I'm ordering Witness 73

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1 to be brought back home.

2 MR HAYNES: Madam President, I think that would be a sensible move. This
3 really isn't progressing anywhere near as quickly as I would like it to. I was asked
4 informally earlier of my estimate and I did say then I didn't think I would finish
5 today.

6 PRESIDING JUDGE STEINER: So, since there's no need for Witness 73 to wait in the
7 Court building, maybe the court officer can communicate with VWU and allow
8 Witness 73 to go back home.

9 Court usher, please could you introduce Witness 42 in the court.

10 (The witness enters the courtroom)

11 PRESIDING JUDGE STEINER: We can go into open session, please.

12 (Open session at 11.44 a.m.)

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

14 PRESIDING JUDGE STEINER: Thank you. Mr Witness, welcome back.

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

16 PRESIDING JUDGE STEINER: Are you ready to continue with your questioning by
17 the Defence?

18 THE WITNESS: (Interpretation) I am at the disposal of the Court. I am ready to
19 continue.

20 PRESIDING JUDGE STEINER: Thank you very much. So I am giving the floor to
21 Mr Haynes and just informing the witness that we are still in open session, but if need
22 be Mr Haynes will request us to go into private session. Mr Haynes, you have the
23 floor.

24 MR HAYNES: Thank you, Madam President, and I will do that immediately, if I
25 may, request to go into private session?

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1 PRESIDING JUDGE STEINER: Of course. Court officer, please turn into private
2 session.

3 *(Private session at 11.45 a.m.) Reclassified as Open session

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

5 MR HAYNES:

6 Q. Sir, did Madam Sayo tell you herself what had happened to her and her family?

7 Oh, I am sorry, sir, I was going to remind you we are in private session, so do you
8 want me to repeat the question, or do you remember it?

9 A. Yes, please kindly repeat.

10 Q. Sorry, it was my fault, sir, I interrupted you. I asked you whether Madam
11 Sayo told you herself about what had happened to her and her family?

12 A. If nothing had happened to Madam Sayo, she would not have created that NGO.
13 She is also a victim. She told us about what had happened to her. Everyone knew.
14 Everyone was aware of the killing of her husband. She herself told us about it. She
15 is also a victim.

16 Q. Thank you very much. And when you say "She told us about it," was that
17 something she told people at a meeting?

18 A. Before trying to source victims and before going to the chief of the
19 neighbourhood, she began by trying to locate a place where the victims would meet
20 to talk about what had happened to them. And the people who came wanted to
21 know why she had created that NGO and she started giving an account of what had
22 happened to her and asked whether those things had happened to us also, and since
23 we were militating for the same cause we could join the same NGO. That is how it
24 happened.

25 Q. Thank you. And how many people were there when she said these things?

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1 A. There were many people. I can't give you an estimate. All I know is that
2 there were many people in the home of the chief. She and her team sat down and,
3 before she arrived, the assistant chief sensitised the population. We learnt about her
4 coming and we went to the chief's house to take part in that meeting, so I can say
5 there were many people.

6 Q. Thank you. And when you talk about the assistant chief, is that the same man
7 we were talking about yesterday, (Redacted)

8 A. What did (Redacted) do? I said that before setting up that organisation Madam
9 Sayo went to the chief's house. If I look at the sketch I can indicate to you the chief's
10 house. When Madam Sayo arrived she went to the chief's house and, since (Redacted)
11 (Redacted) and a victim also, she -- he was also present. We were there, there were
12 many women also, and so she sat down and started explaining to us the objective of
13 that organisation.

14 Q. I am sorry for these questions; I just need to be clear that we are talking about
15 the same people. The chief's house, is that the house of (Redacted)

16 A. Yes, I was talking about (Redacted). It was (Redacted)

17 Q. Now, the members of OCODEFAD, do they include people who were victims of
18 crimes committed by any group other than the Banyamulengue?

19 A. What I know is that in this NGO, OCODEFAD, there were no victims outside of
20 the Banyamulengue victims. This means that all the victims in that organisation are
21 victims of the Banyamulengue and not of any other forces.

22 Q. So if you were a victim of Mr Miskine's forces, you were not admitted to
23 OCODEFAD; would that be the position?

24 A. I have no idea about Miskine's activities. I can tell you that all the victims who
25 came together within the NGO, OCODEFAD, and who took part in the meetings, well,

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1 Madam Sayo gave us some money to enable us to hire buses, or other means of
2 transport, for the victims to go to the office. She also paid the bus for our return trips.

3 I can tell you that all the members of that NGO were the victims of the
4 Banyamulengue and not any other forces.

5 Q. Thank you. And was that how Madam Sayo designed it to be, so far as you
6 know?

7 A. I believe so. That is what I know. I was referring to the victims who are
8 members of OCODEFAD, an organisation for distressed families, so I know that all
9 the members of that organisation were victims of the violence perpetrated by the
10 Banyamulengue under the leadership of Jean-Pierre Bemba. I cannot talk of other
11 forces.

12 Q. Thank you. After the meeting you told us about, which you think was towards
13 the end of 2008, did you see Madam Sayo again?

14 JUDGE ALUOCH: Mr Haynes, I am sorry to interrupt. I am just looking at the
15 transcript, I think it is line 12, 12/13, your question, the question says, "And was that
16 how Madam Sayo designed it to be so far as you know?" I am not sure that that
17 question is properly understood. I don't know what you had in mind. I know it
18 was answered, but I just want to be very clear that the question was understood.

19 MR HAYNES: Yes, thank you very much for that helpful suggestion. I will make
20 sure that the witness understood what I meant.

21 Q. Sir, so far as you know, did Madam Sayo intend that OCODEFAD would
22 represent only the alleged victims of Banyamulengue?

23 A. Thank you, counsel. I am not in Madam Sayo's mind to know what she was
24 thinking about prior to setting up that NGO. All I know is that those of us members
25 of that organisation are victims of the Banyamulengue. If Madam Sayo had another

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1 intention, it would not be possible for me to know because I am not God. I know
2 that those of us who were members were victims of the Banyamulengue. I cannot
3 know whether she took victims from elsewhere to bring them into the organisation,
4 because I am not a magician.

5 Q. Thank you. So far as you are aware, are there any NGOs in the Central African
6 Republic which represent the alleged victims of, for example, Mr Bozizé's troops?

7 A. There are many NGOs. What is of interest to me is my own NGO; that is the
8 one which is responsible for victims of the violence perpetrated by the
9 Banyamulengue. We are not yet at the end of the effects of the Banyamulengue's
10 violence. We are still suffering. We have not found a solution. Why would we be
11 looking to see what is happening with the other NGOs while our own solutions have
12 not been found? So we are only concerned with what is happening to the victims of
13 the violence perpetrated by the Banyamulengue.

14 Q. Thank you, sir. Can I go back to the question I was about to ask you, which is
15 whether you had seen Madam Sayo more recently than the meeting at the end of
16 2008?

17 A. Earlier I said that before Madam Sayo was available, she organised meetings,
18 she chaired meetings. We would meet her, we would have discussions with her.
19 At one point in time, she was called upon to become a member of government. She
20 invited the victims to inform them that she had been consulted with a view to making
21 her a member of government, and she asked us what our point of view was on that;
22 we, the victims. We thought about it and we told her our point of view. We said,
23 "But before this you were not in the government. We were all there and none of the
24 victims were members of government. What happened was something in which the
25 Central African government did not intervene. It did not even provide aid to

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1 victims in the meantime. There was no aid provided, but you, you used to tell us
2 that there was aid for victims and that that aid was actually being used for other
3 purposes by the Ministry for Social Affairs. You said that there was money, there
4 were products, there were goods for the victims, but they were being channelled
5 elsewhere. Now, if you are being consulted to become a member of government,
6 that's okay with us. You can join government and then be our representative, to
7 make sure that all of these strange dealings going on in the government are brought
8 to light, to keep us informed about what aid was being provided for the benefit of
9 victims." That is how we, the victims, gave our agreement to her becoming a
10 member of the government. So that's how that happened.

11 Since that time she has become a member of government, and from that point on she
12 could no longer come and organise meetings with us. She had herself represented
13 by somebody else. That person was chosen to be the coordinator of the movement
14 and so that is the person who would hold the meetings, but notwithstanding that, she
15 would supervise the meetings and she would hand down her dictates to the
16 coordinator, "Do this. Do that."

17 When this person wanted to organise meetings with the victims, she would send
18 some money for that purpose and she would tell us to take buses and that we would
19 be -- that would be paid for when we arrived. That's how it happened.

20 Q. And who was the coordinator? And we are in private session.

21 A. The coordinator was Eric Kpakpo, who is the son-in-law, I believe - I am not
22 sure exactly, but I think the son-in-law of the president.

23 Q. Do you mean President Bozizé?

24 A. No, no, I said "president" using the feminine version in French. I was talking
25 about the OCODEFAD coordinator. I was not talking about the president of the

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1 country.

2 Q. Thank you. Nouns in English don't have male and female, so thank you for
3 that very much. Do you remember the other day - and I'll give everybody the
4 reference in a minute - talking about a meeting at which people were told they would
5 have to (Redacted) because if they (Redacted)
6 (Redacted) And that's 14 February, page 47, lines 18 to 22.

7 A. Thank you, Counsel. I think that we are in private session and so the time is
8 right to tell you outright. I said that certain people were called and certain people
9 were threatened. The person who threatened them was Madam Sayo.
10 Now, how did she come to call them? I've told you earlier that at the time when she
11 was not yet in the government, she was with the victims. We would work together.
12 We would go through the procedures. We would engage in the various activities,
13 gardening, food produce and so on. All of this was for the victims and for the
14 people who were doing the market gardening, and everything was going well.
15 At the time when she was in consultations to become a member of government, she
16 then joined the government and she handed over the coordination of her movement
17 to her son-in-law, Eric Kpakpo, and she was not participating in the meetings any
18 more herself. She would supervise from a distance in order to give instructions.
19 Sometimes she would come on a flash visit, but it was Eric Kpakpo who would be
20 dealing with the activities. The meetings were no longer regular. We were no
21 longer called to be given information and yet, when OCODEFAD was well-structured,
22 when the Prosecutor from the International Criminal Court was in Bangui,
23 OCODEFAD was in the vanguard, was in the frontlines, because there had been
24 awareness raising done, there were slogans, there were denunciations, there were
25 calls for various things. It was in that context that the Prosecutor of the International

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1 Criminal Court gave to Bangui.

2 When the Prosecutor arrived, she, as the founder, did not participate in the meeting

3 that was called by the Prosecutor of the International Criminal Court. The meetings

4 were no longer being regularly held and we were wondering why there were no more

5 meetings. Did she use this NGO as a springboard, and as soon as she got into

6 government and benefited from that, is that what had happened? We were

7 wondering, because when you work with somebody regularly and all of a sudden

8 that person no longer comes to meetings, there must be a problem. Did she deceive

9 us in order to gain a ministerial post, and as soon as she got that job, did she

10 withdraw?

11 People were starting to feel discouraged, so the members of the NGO who were very

12 numerous at the beginning were starting not to come to the meetings any more. It

13 was being perceived as something that really discouraged people. I myself was no

14 longer going to the meetings very regularly because I thought it would be better to

15 engage in other activities rather than go to the meetings because there was nothing

16 beneficial coming from it.

17 The local newspapers were also asking this question, "What's happened to

18 OCODEFAD?" because in the past she would be speaking up, she would be

19 denouncing things that were going wrong and then, all of a sudden, she had gone

20 quiet. So people were really wondering about the functioning of OCODEFAD. All

21 of this shows, I think, that there had been a real slacking off in activity and the

22 members were becoming discouraged. The few members who would attend

23 meetings would find that there were no meetings being organised or, when meetings

24 were being held, hardly anybody would go.

25 When the Court began its proceedings, I'm not sure how she got the news. Perhaps

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1 because government members had informed themselves and knew what was going to
2 on. Perhaps she had heard through them. Perhaps somebody said, "Oh, one of
3 your victims has obtained a passport and this person is supposed to be going to The
4 Hague." Perhaps, after learning this, then she called the person who was supposed
5 to be coming to The Hague and she organised a meeting.

6 I didn't personally attend that meeting, but the people who went to it told me about it
7 and said that she had influenced those people. She had come with a policeman to
8 intimidate people, to frighten people, to discourage the victims from participating in
9 that trip, and it was the people who attended that meeting who recounted this to me
10 because (Redacted), and this person said, "'No, even if you
11 (Redacted) I have made the decision to go,' and I showed her and the
12 people who came with her that I had indeed obtained a passport and I was going to
13 travel. I was not going to abandon that plan to travel." That's how that person
14 explained it to me and that is why in my statement I said that people had been
15 threatened.

16 Q. Thank you. It's just a feeling I get that you're starting to talk rather quickly, so
17 remember what you say has to be accurately translated and just try and slow down a
18 bit, would you? Now, you mentioned the meeting with the Prosecutor in Bangui.
19 Who do you mean by "the Prosecutor"?

20 A. Well, who is the Prosecutor of the International Criminal Court? Can you tell
21 me?

22 Q. Well, I can. His name is Mr Moreno-Ocampo. Was it a man that you met at
23 that meeting?

24 A. I think that Moreno-Ocampo is this person who came to Bangui, and on that
25 day all of the victims were there and there were a great many of them. He spoke, we

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1 asked questions, he answered. And what did Prosecutor Ocampo say? We asked
2 him, "The people who attacked us are rich. What's going to happen to them?" And
3 he answered us "Even when you are rich, when criminal liability is incurred, then
4 those people will be pursued," and somebody asked about a president in office being
5 responsible for acts and what would happen to that president, and Prosecutor
6 Ocampo answered that there was no immunity before the International Criminal
7 Court. If you were suspected of being responsible for crimes, regardless of your
8 status, President of the Republic of anything else, the Court had a duty to pursue that
9 person. We had many questions. We asked about compensation and
10 indemnification. Did the Court have the ability to help victims in -- while waiting
11 for the case to proceed? He answered, "No, within the Court there is a unit that
12 looks after victims and which provides assistance to victims. All of these units exist
13 and that there would be a crime -- a trial and when that trial took place there was a
14 unit to look after the victims, but there would be a trial." And as I said to you earlier,
15 when he was in Bangui, the founding president, the lady president of our NGO, did
16 not participate at that meeting because she was already a member of government at
17 that time. We, the victims, the coordinator and other victim NGOs, I am not sure the
18 victims of what, the victims of Banyamulengue abuse in 2001 or of other
19 abominations, I am not sure who they were, but there were many, many people in
20 that room on that occasion and we asked all of those questions.

21 PRESIDING JUDGE STEINER: Mr Haynes, may I ask you if we continue in private
22 session, or you --

23 MR HAYNES: There is one more question which I know will trouble the witness in
24 open session. I know some of this could be heard in open session, but rather than go
25 in and out, I will see if I can come to a sensible end. Thank you very much.

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Witness: CAR-OTP-PPPP-0042

1 Q. Was this the first contact that you had had with the Prosecution at the
2 International Criminal Court?

3 A. It was the first time that I saw him physically. I had seen his photograph in
4 newspapers, I had seen him on the television but, physically, the first time I saw him
5 was when he came to meet the victims in Bangui. And I said to myself, "Oh, that's
6 who Moreno-Ocampo is," but (Redacted)
7 (Redacted)

8 Q. Thank you. What I wanted to be clear about is whether this meeting was
9 before you met the investigators in August of 2008?

10 A. What meeting are you talking about?

11 Q. The meeting you've described with Mr Moreno-Ocampo, (Redacted)
12 (Redacted)

13 A. It is after the Ocampo meeting that the investigators started to come. He had
14 to hold that meeting to open -- to announce the opening of investigations in the
15 Central African Republic and to see for himself if there were victims, and he saw for
16 himself that there were a number of victims and perhaps that is what made it possible
17 for him to open investigations in the Central African Republic. I think it was
18 22 May 2007.

19 Q. Thank you very much. So, so that we have got the timeline correct,
20 Mr Moreno-Ocampo came in May 2007, you were interviewed in August of 2008, and
21 yet in December of 2008 there were still meetings which Mrs Sayo was presiding over;
22 is that right?

23 A. I have told you that all of the dates and movements in the Central African
24 Republic are, as I have said, Madam Sayo's movements. The -- her entry into
25 government, the arrival of the Prosecutor, I have told you everything, but before

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1 Mr Ocampo came to meet the victims in the Central African Republic, and before
2 Madam Sayo moved into government, we would hold regular meetings with her.
3 And when she came to inform us that she had been asked to join the government (Redacted)
4 (Redacted) and she said that she -- excuse me, she told us that they had spoken to her
5 and she had accepted to join government and after that she became the Minister for
6 Tourism. It was in the second cabinet reshuffle that she was appointed Minister for
7 Social Affairs. After Madam Sayo joined the government, all of the activities became
8 centred on the man that I told you about, Mr Eric, and it was at that point that we met
9 the Prosecutor from the International Criminal Court, Mr Moreno-Ocampo, in the
10 Protestant centre for youth.

11 JUDGE ALUOCH: Mr Haynes, I am sorry to interrupt again, maybe you can find
12 out from the witness does he remember when Madam Sayo joined government?

13 Thank you.

14 MR HAYNES:

15 Q. Well, sir, I don't imagine you need me to repeat Judge Aluoch's question, do
16 you? When did Madam Sayo join the government, if you know?

17 A. Out of a concern with getting it wrong, I have to say that I don't know exactly
18 when she became the minister. I didn't take a note of it in order to be able to use that
19 information in future, but I know that she was appointed after having been consulted.
20 She occupied a ministerial post. At the beginning that post was Minister for
21 Tourism and then when there was a second reshuffle she took up the post in the
22 Ministry of Social Affairs, which she continues to hold to this day.

23 JUDGE ALUOCH: Was this after the Prosecutor had come, or before, do you
24 remember?

25 THE WITNESS: (Interpretation) I think that she was appointed minister before the

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1 Prosecutor came. She was already a member of government before the Prosecutor
2 came and that is what justified her absence at the various meetings that we had
3 organised with the Prosecutor.

4 MR HAYNES: Is there any further clarification I can make? Thank you, your
5 Honour.

6 Q. I just want to ask you one last question on this topic, and that is: Why do you
7 think your life would be in danger if you speak publicly about a member of your
8 country's government?

9 A. I don't say this for nothing. You know, Madam Sayo is a minister, but she is
10 also a victim. She was called to become a member of this government. If she had
11 stayed to look after us, to work with us to defend the cause of victims as she did from
12 the outset, we would be very grateful to her, but a time came when her solidarity with
13 us disappeared. You have to understand that after she became part of the
14 government, she took on the government's position and she only defended the causes
15 of the government. I think that led her to stop looking after us. There are a lot of
16 problems in Bangui. At that time, I can say that her NGO covered a lot of areas all
17 the way to Bozoum. There was a branch of OCODEFAD there as well, and the
18 government had some elements. Her NGO covered a lot of territory. Was it
19 because of her activity in the NGO that she was called to become a member of
20 government? I don't know, but we said that since she became a member of
21 government the only thing she'd done was to threaten the victims. She'd said that
22 (Redacted) and that is
23 what led me to say that there was some manipulation going on.

24 Q. Well, again, thank you for that, but why is it now that you feel that if you speak
25 publicly about your government, not that it would be embarrassing, but that your life

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1 would be in danger?

2 A. I did not say it for nothing. I said earlier that events had occurred in Bangui.

3 I am an inhabitant of Bangui and I knew what was going on. Mr Bemba sent his

4 elements to Bangui, and to tell you the truth, in fact, Mr Bemba himself did not cross

5 the river to go to Bangui. He was called on to act, but by whom? Why did the

6 person who called on him not come to testify here? That's what frightens me. Why

7 are some people exposed and others not? Why? The law is made to apply to

8 everybody. A person who has incurred liability must present themselves before the

9 Court to testify, and the Court should be asking questions about all of this. That's

10 why I am worried, because it's only a certain part of the people involved who are

11 presenting themselves here before the Court. Another group of people are not.

12 Why?

13 Q. And who are they?

14 A. At the time when Bemba sent the Banyamulengue in 2002, there was a

15 government. If there was a government in place, what was that government's role?

16 What did that government do? The government called troops and they told -- they

17 said that they had to work with those troops, but the troops in question did not know

18 the area. They came, but it was for the person who had been appointed to direct

19 those troops to instruct them as to what they should be doing. But if the government

20 at the time did not take care of this and did not take the trouble to give specific

21 instructions to Bemba's troops, that is what pushed them to commit atrocities, rape, to

22 loot the area.

23 I consider that this is a shared liability. They have shared responsibility. Bemba

24 has his part of responsibility in this matter because he sent troops who came and who

25 caused a lot of damage. The government which called upon these troops is also

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1 responsible. The government which called these troops and did not give them
2 instructions bears its part of responsibility. And so I repeat: The Court should call
3 these two parties to hear their testimony.

4 Q. Which government are you talking about?

5 PRESIDING JUDGE STEINER: Mr Haynes, can we go into open session?

6 MR HAYNES: I think we probably should. I don't know. For my part, yes, but
7 this has been largely out of consideration for the witness, so perhaps we ought to
8 check with him. I am entirely in your hands.

9 PRESIDING JUDGE STEINER: Mr Witness, can we go back into open session, or in
10 your view we still need to continue in private session?

11 THE WITNESS: (Interpretation) Thank you, Madam President. I think that will
12 depend on the kind of questions that are going to be asked. If the questions lead me
13 to mention names, then I would ask that we move into private session, but if the
14 questions do not require me to mention names, we can remain in open session.

15 MR HAYNES: Madam, it's the combined view of everybody around me that we
16 ought to stay in private session.

17 Q. You mentioned two parties. Can we start, please, by identifying which
18 government you were talking about? And we remain in private session.

19 A. The government about which I'm speaking when the Banyamulengue entered
20 was the government of Mr Ange-Félix Patassé.

21 THE INTERPRETER: "Ange-Félix Patassé" repeats the witness.

22 THE WITNESS: (Interpretation) It was he who was the Head of State and because
23 his power was threatened he called upon Jean-Pierre Bemba. They came to an
24 understanding. He said to Bemba, "Well, it's too much for me. Can you come to
25 my aid?" Bemba also had problems in his country. There were troubles in his

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1 country and he said, "Well, perhaps in the Central African Republic they could be
2 supported and then the CAR could be helped," and Bemba accepted and came to an
3 agreement with Patassé such that Patassé would pay him 5 billion in diamonds, and
4 this is how these units came over. And that takes me to the point that Bemba had his
5 interests, Patassé as well, but if Bemba is currently in the Court, you have to have the
6 other party come as well such that the Court can ask questions to him: "You, Patassé,
7 you were attacked by another country, or the crisis, did this happen between the sons
8 of the country?"

9 MR HAYNES:

10 Q. Thank you very much. When you talked about soldiers who did not know the
11 area, which soldiers did you have in mind that did not know the area?

12 A. It was the Banyamulengue. They left Équateur to come. Not the Central
13 Africans, they don't know the Central African towns and problems. And when they
14 came, if the country was organised, if the government was organised, the government
15 which called upon them had to provide them with vehicles and the generals had to
16 lead them. Unfortunately, the government did not play its role, which made it
17 possible for the Banyamulengue to do what they wanted to do. They were in a
18 situation without an army. They found themselves in a country without institutions
19 and that made it possible for them to do anything that they wanted to do.

20 PRESIDING JUDGE STEINER: Mr Haynes, if we are going to continue talking about
21 the events, I think we should go into public session.

22 MR HAYNES: Would you just give me a moment, please, Madam President?

23 PRESIDING JUDGE STEINER: Of course.

24 MR HAYNES: The next questions are not strictly about the events and so it might be
25 better just for a little while if we stay where we are, if you are comfortable with that.

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1 Q. Where did you get your information about 5 billion what in diamonds?

2 A. I was informed by -- well, I'm educated. I read things and I can find out what
3 is happening. I read a document which made it possible for me to understand what
4 had happened and how it happened.

5 Q. And the 5 billion, that is dollars, or convertible francs, or some other currency?

6 A. In the document it was said that Patassé had contacted Bemba, with whom he
7 had signed an agreement to send mercenaries, the Banyamulengue, and this
8 transaction cost 5 billion, which was paid in diamonds, paid in kind. This is what
9 the document says.

10 Q. That didn't quite answer my question. 5 billion what?

11 A. I didn't pay attention to that. The document exists. I think it's 5 billion francs,
12 CFA.

13 Q. And what is the document?

14 A. This document is a document with title "FIDH." The number is 355 of the
15 month of February 2003. The events in the Central African Republic took place in
16 2002 and afterwards this organisation left in 2003 and it revealed this information.

17 Q. Thank you. Then is there any other document that you have seen that reveals
18 the arrangements between Mr Bemba and Mr Patassé?

19 A. No, I didn't read another document. I believe in that document, because it's
20 the truth. The person who investigated, or the persons who investigated, were
21 human rights observers. They carried out investigations and they spoke about it. I
22 didn't read another document than that document.

23 MR HAYNES: Very well. Then I think we can now leave that topic for the time
24 being and go into open session.

25 PRESIDING JUDGE STEINER: Court officer, please, and please Mr Haynes inform

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1 the witness.

2 (Open session at 12.46 p.m.)

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

4 MR HAYNES:

5 Q. Sir, we have got a little more than ten minutes 'til the lunch break. I know it is
6 tiring, but can we just try and concentrate not to give any names or any details that
7 might identify you for the next ten minutes or so, and I will try too. We are in open
8 session. During the events, did you stay with your family in Begoua?

9 A. Yes, Counsel, I'm not a politician. I don't know what happened in the political
10 sphere. I have children. I have small children, grandchildren, but how could I go
11 anywhere with all that, because at the time that the events took place in order to move
12 around you had to have the financial means in order to do so, but I did not have such
13 means available to me. I have a lot of children, grandchildren, and I took the
14 resolution that I would stay prepared to die in my house, so I stayed in my house
15 until there was peace.

16 Q. Now, please don't refer to your job, but can you tell us did you work during the
17 events?

18 A. At the time of the events, there were no activities. I was at home.

19 Q. Thank you. Did you go at any time during the events to PK22, for example?

20 A. I told you that at PK22 one of (Redacted) had been killed. I went to the funeral
21 because in Africa, when somebody dies in a family, it's necessary to take part in that.

22 Q. Thank you. I'm going to ask you about three locations to speed things up.
23 Did you during the events go to Damara, or Sibut, or Bossangoa?

24 A. At the time the events took place, the places that you mention are not places that
25 I went to. I wasn't in Damara, I wasn't in Bossangoa, or in Sibut. I wasn't -- I didn't

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1 have any reason to go to such places. Why would I go to Sibut, to Damara, to

2 Bossangoa? Why would I go there?

3 Q. Have you ever been to any of those places?

4 A. Before the atrocities, well, it's my country. I go to different provinces. I have
5 been to Damara. I have been to Sibut. I have been in Bossembélé as well, before.

6 Q. And can you help us: How far are Damara, Sibut and Bossembélé away from
7 your home?

8 A. I can't tell you how many kilometres there are.

9 THE INTERPRETER: "I can't remember that," repeats the witness.

10 THE WITNESS: (Interpretation) So I don't give mistaken estimates, I would prefer
11 to say that I don't know.

12 MR HAYNES:

13 Q. All right, but did you have a motorcar before the events that you could drive in
14 to Damara, for example?

15 A. Before the events, I had an old vehicle which did not indicate how many
16 kilometres -- it no longer indicated the kilometres, so the dashboard wasn't modern in
17 that way. It wasn't possible to see how many kilometres I had done.

18 Q. But how long would it take you to drive to Damara from your home?

19 A. Damara is far from the town of Bangui. I can't give erroneous estimates,
20 because I don't want people to say tomorrow that I said such-and-such an amount of
21 kilometres. Perhaps Damara is 75K from Bangui, approximately. I don't know
22 exactly. That's just an estimate. Sibut, I think it's 185 kilometres from Bangui. I
23 am not saying that is an absolute figure, but approximately around that distance, in
24 terms of kilometres. Otherwise, 75K by car. I mean, our roads aren't like your
25 roads here. You can have -- sometimes you can do that journey in two hours, three

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1 hours. It can take that amount of time. Damara is 185 kilometres away.

2 Q. Thank you.

3 THE INTERPRETER: It could be two hours, if the interpreter has understood well,
4 says the Sango interpreter.

5 MR HAYNES: Well, I will see if I can clear it up.

6 Q. Did you say that Damara could be a two-hour drive away?

7 A. Two to three hours. That depends on the speed of the car. If it's a fast car it
8 could be that distance, because you have to take into account the state of the roads as
9 well.

10 Q. Now, just one other place to ask you about. Where is Mongoumba?

11 A. Mongoumba, southwest -- it's southwest of Bangui.

12 Q. And, again, nobody is going to criticise you if you're wrong, but how far is that
13 either in kilometres or in driving time from where you live?

14 A. I think that with a car that's in a good condition, from my house you can reach
15 Mongoumba -- if you leave in the morning, you can get there in the evening or at
16 night. That is if it's a vehicle which is in good condition, not like the sort of wrecks
17 we have.

18 MR HAYNES: Thank you. The next thing I would like to do is to put a document
19 into eCourt, which at 12.58 is probably not a practical proposition, and so if it's
20 convenient we could take the lunch break now.

21 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. Mr Witness, we are having
22 now our lunch break, meaning you can have lunch and take some rest. It's 1 o'clock.
23 We'll be back at 2.30. I'm asking, please, court officer to turn into closed session in
24 order for the witness to be taken outside the courtroom. In the meantime, we are
25 suspending this hearing and we'll resume at 2.30 in the afternoon. Court officer,

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1 please.

2 *(Closed session at 12.59 p.m.) Reclassified as Open session

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

4 (The witness stands down)

5 THE COURT OFFICER: All rise.

6 (Luncheon recess taken at 1.00 p.m.)

7 *(Upon resuming in closed session at 2.34 p.m.) Reclassified as Open session

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

9 PRESIDING JUDGE STEINER: Welcome back. I just want to inform the parties and
10 participants that we have today a new court usher, on training, and he's already a staff
11 member and therefore bound by confidentiality duties, so he's allowed to be present
12 because he is still on training.

13 Court usher, please could you introduce the witness into the courtroom.

14 (The witness enters the courtroom)

15 PRESIDING JUDGE STEINER: Let's turn into open session, please.

16 (Open session at 2.38 p.m.)

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

18 PRESIDING JUDGE STEINER: Thank you. Good afternoon, Mr Witness.

19 THE WITNESS: (Interpretation) Good afternoon, Madam President.

20 PRESIDING JUDGE STEINER: Did you take some rest during the lunch break?

21 THE WITNESS: (Interpretation) Yes, your Honour, I had lunch and I was able to rest.

22 PRESIDING JUDGE STEINER: So can I give the floor to the Defence to continue
23 questioning you?

24 THE WITNESS: (Interpretation) That is the reason for my presence here, Madam
25 President, so I'm ready to answer any questions put to me.

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1 PRESIDING JUDGE STEINER: Thank you, sir. Mr Haynes, you have the floor.

2 MR HAYNES: Thank you, Madam President.

3 Q. Welcome back, sir. Before we finished at lunchtime, I was about to have a
4 document put on the screen for you to look at, and I think this is the first time that we've
5 done this, apart from the plan, and so that you understand what it is, it's a passage from
6 one of the interviews you had with the investigators. You remember those interviews,
7 do you?

8 A. Which investigators are you referring to? Those of the ICC?

9 Q. Yes, those are the ones.

10 A. Yes, I remember the questions that they put to me, as well as the answers that I gave
11 them.

12 Q. Good. And have you had an opportunity since you've been in The Hague to read
13 the records of those interviews?

14 A. I gave those statements a long time ago, in 2008. I am a human being and it is
15 possible that I might have forgotten some of the details and so, in order not to be taken by
16 surprise, the Court gave me the opportunity to re-read my statements.

17 Q. Very good. I'm just going to, at this stage, show you two short passages and ask
18 you to consider them with me. We are now in open session, so bear that in mind when
19 you come to answering the questions, but can we start by placing a page from what is
20 document number 1 in the Defence lists of documents. Its full reference is
21 CAR-OTP-0027, first page 0786, and I would like it, please, if we could display page 0803.

22 PRESIDING JUDGE STEINER: Which is confidential.

23 MR HAYNES: Yes, it is. I'm sorry, I meant to say that.

24 THE COURT OFFICER: The document as referenced by Mr Haynes at page 0803 is
25 available on your screens, and it bears reference EVD-OTP-0025 and is marked as

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1 confidential.

2 MR HAYNES:

3 Q. Now, sir, I know you have difficulties with your eyes. Can you read the document
4 that is on the screen?

5 A. Yes, I can see the document. I believe it would be necessary to zoom into the page.

6 Q. I didn't see whether that had been done. Is the print big enough now for you to
7 read?

8 A. Yes.

9 Q. And is this the same document you have seen this week, or last week before you
10 commenced your evidence?

11 A. It is the same document.

12 Q. Excellent. Now, your French pronunciation is almost certainly very much better
13 than mine, so would you help us all, please, and read slowly into the transcript from the
14 top of the page and stop at the word "victimes" which is about halfway down. Would
15 you do that for us, please?

16 A. Based on the document that I can see, there is a question put to the witness and then
17 after that you have "Witness," "Investigator," "Witness," "Investigator." That is what I can
18 see here.

19 Q. Yes. Would you mind reading both the witness's part and the investigator's part
20 for us, from the top of the page down to the word "victimes", so that those people who
21 speak English can understand what was said in that interview through the translators?

22 A. Very well, I can read the document.

23 Q. Nice and slowly, please.

24 A. Are we in closed session, or open session, I would like to know?

25 Q. We are in open session. If you would like to go into closed session, please say so?

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1 A. That is because there are names and I'm afraid I might reveal those names in open
2 session. If you authorise me to read, then that is what I will do.

3 Q. Well, we can all see the name. Perhaps you could read the passage without
4 reading the name. There is only one name there, isn't there?

5 A. Yes, that is correct.

6 Q. Are you content with that procedure?

7 A. Yes, I have no objection.

8 Q. Good. Unless anybody else has any observation, I'm going to ask you to start
9 reading then.

10 A. "I heard it said, but I did not see it because the population was talking about it and
11 the people were saying that the person who had killed the old man was also killed himself.

12 Investigator: Did you hear of any other cases? Witness: There were similar incidents
13 which took place in PK22. When Bemba's troops were ambushed by the retreating rebels,
14 they lost men and weapons. As a result they became very fierce, and everybody that
15 they saw, whether it was a man, an elderly person or a young person, they would kill
16 them. Investigator: How do you know that? Witness: I knew about it because the
17 founder of the NGO, of which I am a member, lost her husband, and it is as a result of this
18 that she created the NGO for the victims."

19 Q. Thank you very much. That was very helpful. Having read that, is what you said
20 to the investigators in that passage true and accurate?

21 A. I said that I was called up by the investigators who interviewed me. I told them
22 about the advance of the Banyamulengue at PK12 as from the 7th. When they arrived,
23 they established their demarcation line and they positioned soldiers there. The following
24 morning, they started chasing the rebels. They were going back and forth. On the third
25 day, which was a Sunday, they had a skirmish with the rebels. The fighting was fierce

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1 and lasted from morning to evening. Even those of us who were at PK12 were able to
2 hear the explosions of the weapons. We were wondering what was happening there,
3 because we were hearing gunfire and explosions. No one could approach the front line
4 and no one could leave the front line to come to PK12. In the evening of that Sunday
5 some few soldiers returned to their base at PK12, and it was upon their return that they
6 became furious. Given that they had lost many men and equipment at the front, they
7 were very angry and they considered everyone as a rebel; young men and anyone else,
8 including old people. They were shooting people and beating up everybody. After that
9 fighting they became really violent and caused everyone to flee into the bush, so what
10 happened after the fighting at PK12 was really unbearable.

11 Q. Very well, but what I wanted you to tell us - and please listen to my questions - was
12 whether it was correct that it was the lady who is mentioned in that passage who told you
13 about what had happened at PK22?

14 A. It was not that lady who gave me the information. I have told you here that after
15 the fighting at PK22, when the Banyamulengue lost the battle and lost many men and
16 equipment, they became very furious and extremely angry. I talked about (Redacted)
17 whose name I have given you here. He was also shot dead. He was coming back from
18 his farm. He was killed by the Banyamulengue. I went to his funeral. As you know,
19 when somebody dies in that way, we spend the night outside in order to assist the family,
20 and when we were outside those of us who were there exchanged information and we
21 had conversations.

22 That is how we got to know about those things. It is when I attended the funeral of (Redacted)
23 (Redacted) that I received all that information, and that is how we learned about the
24 violent fighting that had taken place there.

25 Q. Very well. Now, I want to look at another passage from another one of your

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- 1 interviews. It's document number 3 on the Defence list, which is CAR-OTP-0027, first
2 page, 0845, and could we display on the screen, please, page 0851. And it is of course
3 similarly confidential. Sir, is the print big enough for you to see and read?
- 4 A. Yes, I think that I can read it.
- 5 Q. Good. Can you see the question from the investigator that begins "Ont-ils
6 commis"?
- 7 A. Yes.
- 8 Q. I would like you to read the next four entries; that is two questions and two answers.
9 Would you just read it to yourself so that you're sure there are no names or details in there
10 that you do not wish to read out publicly?
- 11 A. All right. I will begin with the investigator's question. "You have just said that
12 they were dispossessing people of their property when they were fleeing and were taking
13 them definitively. However, a little earlier you declared that they had even abandoned
14 property that they had looted. Is there not a contradiction here?"
- 15 Q. I think you've started a little bit earlier than I wanted you to. I don't want to
16 interrupt, but can you see the question that is two passages down, that begins "Ont-ils
17 commis"?
- 18 A. "Investigator: Did they commit acts of rape when they were retreating?" Witness:
19 I don't know but I have heard that on the road that led to Mongoumba, they did commit
20 acts of rape." "Investigator: Where did you get the information about the atrocities
21 committed in Mongoumba?" "Witness: My NGO arrived in Mongoumba and there are
22 victims from that locality in the association. There are women from Mongoumba who
23 were raped and who are in the association. That is how I knew." Investigator" --
- 24 Q. There's no need to go any further. Is that passage of the interview true and
25 accurate?

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Witness: CAR-OTP-PPPP-0042

1 A. It is a statement which is true and which reflects the reality. That is what happened
2 in the Central African Republic. Why was I called to say this?

3 Q. I'm sorry sir, I interrupted you. Please carry on.

4 A. Yes, you asked me whether what I have just read is true or reflects the reality of the
5 events that took place in Bangui, and I said, yes, it is indeed true, and that is what
6 happened in Bangui. When the Banyamulengue arrived in Bangui, they kept going until
7 they reached the villages in the interior and they caused damage, which made the
8 population very unhappy. When they encountered the rebels who wanted to enter
9 Bangui, there were clashes, and because the rebels were also well-armed, they defeated
10 them, but what remains to somebody who has already been defeated? Well, they retreat.
11 And when soldiers retreat, they also retreat with their weapons in hand, through the bush,
12 and in the bush they don't - they're not having any fun.

13 A soldier who has met with failure is not enjoying himself any more and he is ready to fire
14 on anyone he encounters as he retreats, whether you are a man or a woman. The soldier
15 can do anything he likes. And that is how they continued through the bush until they
16 reached a town called Mongoumba, because Mongoumba is a Central African Republic
17 town which is located just by the river, and opposite that town there is a town of Equateur
18 Province called N'gemena.

19 When they arrived in Mongoumba. there is a river in Bangui which separates the Central
20 African Republic from the Congo, and from Mongoumba they could look across to the
21 other bank. In Mongoumba they were armed and they were capable of doing anything
22 they liked so they could rape, they could loot, they could do whatever they liked, and
23 after committing those atrocities, they could easily cross over to enter the country. So
24 everything that I've told you is the reality.

25 Q. And was it correct to say, as you did in your interview, that the source of your

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1 information for all of that was OCODEFAD?

2 A. OCODEFAD did not give me information. OCODEFAD is an organisation which
3 brings together victims. I am also a member of that organisation but that organisation
4 did not give me information. We went to OCODEFAD in order to try to set up projects:
5 Livestock farming, market gardening activities. We did not go to OCODEFAD to try and
6 seek out information, but this is information that I received through the victims from
7 Mongoumba who are also members of OCODEFAD, and of course we share information,
8 to know what is going on and what happened on the other side.

9 Q. In what way do you share information to find out what is going on on the other
10 side?

11 A. I have said that wherever the Banyamulengue committed atrocities, branches were
12 also set up, and when these branches were set up, (Redacted) certain people to be in
13 charge. In Mongoumba too there was a branch, and there were people in charge, and
14 everything that happened in Mongoumba was known to the person in charge. When
15 this person came to Bangui in their capacity as the manager, they told us everything that
16 happened. They said, "After the Banyamulengue came through, these are the atrocities
17 that we suffered," and so we shared this information within the NGO. For us, that is a
18 weapon of war.

19 Q. Thank you. And is that also true of other towns, like Damara, Sibut, Bossangoa,
20 Bossembélé?

21 A. I have said that we had this NGO and (Redacted) I talked about Damara
22 and Sibut and many other towns. But the information that we received came from these
23 localities, these Central African citizens who had suffered abuse, that came. Others went
24 off into the bush to try and find their way, find their way to Bangui. In Bangui, there
25 were also family members with whom they shared information. And we don't need to

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1 walk all the way there to collect all of this information, but everybody who suffered this
2 abuse, everybody who fled into the bush to try and get away from this abuse, had
3 occasion to come to Bangui and that is how and when we received all of this information.

4 Q. So when you talk about what happened in those towns, you are relaying what the
5 representative of OCODEFAD from each of those towns told you; is that the position?

6 A. Earlier I said that there was not an OCODEFAD branch in Damara, or in Sibut. I
7 mentioned the towns where OCODEFAD had branches. I talked about PK12, the cattle
8 market, PK22 and certain districts of Bangui, like Kobongo, Fatima, Umbimbo (phon),
9 Kapou (phon), Mongoumba. These are the towns where OCODEFAD had set up
10 branches. There you have it, and so it is in these places where OCODEFAD had occasion
11 to set up branches. In Damara it was only the inhabitants of the town itself who had to
12 flee into the bush, who arrived in Bangui and who told us about the violence; the cases of
13 the killings of people who tried to intervene. That is the case of Bossangoa, Bossembélé
14 and many other localities.

15 Q. Very well. Well, I want to move on to something new now. We've talked about
16 this a few times, but you remember, do you, in August of 2008 when you attended your
17 interviews with the investigators from the ICC?

18 A. That is right.

19 Q. And I think you remember well that you went there on three consecutive days?

20 A. Yes, I began on the 22nd and finished on the 25th, if I remember correctly.

21 Q. Thank you. And after each day of being interviewed, did you go home at night?

22 A. Yes, I did not have to spend the night there. Before I went to see them they called
23 me to set the times of the interview and also the place, and on the appointed day I
24 presented myself so that they could interview me and it was at that time that I gave them
25 information. Once I had finished I went home to my house to rest, and each time they

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1 would ask me what day I was available and we would set an appointment so that we
2 could meet and that is the way we worked.

3 Q. Thank you. Just to clear up that point, on 22 August, when you went for the first
4 day of interviews, was that the first occasion that you had met investigators from the ICC?

5 A. I think that it was the second time. The first time we met in May 2008, or I don't
6 know, but in any case it was during the same month in which Mr Bemba was arrested in
7 Belgium. With the first team we held an interview I did note down the date, but I don't
8 have the documents because I noted down all of the dates in my diary. Unfortunately, I
9 don't have that diary with me. I remember that there were two women and there was
10 also an interpreter who called me. I think that it was 13 May 2008, I believe. In any case
11 I don't remember the year very clearly, but I think that it was that. One week later I
12 heard that Mr Bemba had been arrested in Belgium.

13 Q. Thank you very much indeed. Did that interview also take place in Bangui?

14 A. Are you talking about the first time?

15 Q. Sorry, sir. Yes, I am.

16 A. It was in Bangui, both the first and the second time. It was nowhere else. It was
17 in Bangui.

18 Q. Were they both in the same building?

19 PRESIDING JUDGE STEINER: Ms Kneuer?

20 MS KNEUER: Madam President, I would like to object to this question because it could
21 unveil measures and operative tools that the OTP is using, and I'm referring to my
22 submission made the other day and I am referring specifically to the transcript 59, page 15,
23 lines 1 to 11, as well as page 19, lines 23 onwards. Thank you, Madam President.

24 PRESIDING JUDGE STEINER: I hope Mr Haynes is not going to ask which place was
25 that, or where this place was.

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1 MR HAYNES: No, I'm only going to leave the question there. It's not really a very
2 important issue.

3 PRESIDING JUDGE STEINER: Thank you.

4 MR HAYNES:

5 Q. Were they in different places, the two interviews?

6 A. The two interviews took place in two different places.

7 Q. Thank you. And just dealing with the first interview, do you remember
8 approximately how long it lasted for?

9 A. I think that it must have lasted about two-and-a-half hours, if my memory serves me
10 well. They called me the previous day and asked me whether I was available for a
11 meeting. I gave them my availability and they asked me whether I was available in the
12 morning, or in the evening, and I proposed 1.30 p.m. and we met and I think that I had
13 finished at 3 o'clock.

14 Q. That's very helpful indeed. And was there any recording device in the room
15 during that first interview, either an audio or a video recording device?

16 A. I was invited to be interviewed. I did not come with the intention of verifying what
17 equipment they were going to use. I am not an investigator to know what kind of
18 equipment you have to use. I simply know that there were two women and one
19 interpreter. One of the women was noting everything down on a small machine and the
20 other one was asking the questions. The questions were asked in English, the interpreter
21 interpreted and I answered the investigators, but I really don't know whether there was
22 recording equipment or not.

23 Q. Thank you. The small machine that everything was being noted down on, can you
24 give us a little bit more of a description of that, please?

25 A. It was a little electronic machine. I don't know what you would call that machine,

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1 what its name is, but it was a miniature machine because even -- she was sitting opposite
2 me and she turned it on and then she would type it and then the words would appear on
3 the screen. I don't know the brand and, because the woman couldn't speak French, I
4 couldn't ask her questions. It was her working equipment. I don't know what it was.
5 I simply know that the questions were asked, the answers were interpreted back into
6 English and she would note this down automatically.

7 Q. Okay. Now, at the end of this first interview in May, did you sign anything?

8 A. Yes, indeed. At the end of the first day I did have to sign a document.

9 THE INTERPRETER: "I signed a document," repeats the witness.

10 MR HAYNES: Thank you.

11 Q. Now, can we move on to the three days of interview in August of 2008. It's
12 probably not important, but do you remember when you were contacted to make the
13 appointment for those interviews?

14 A. I did not understand your question.

15 Q. Well, that is my fault. Were you called by telephone to arrange the date in August
16 when you would go to be interviewed, or were you contacted in some other way?

17 A. Are you talking about the first interview, or the second one?

18 Q. I'm talking about the three days in August, the second time you met with the
19 investigators.

20 A. I said that when the NGO was set up, our contact details were recorded. The white
21 people from the FIDH asked for our contact details, and the head office gave them those
22 contact details. When the investigators contacted me, it was on my mobile telephone.
23 There was no intermediary.

24 Q. Thank you. And do you remember how long before the interviews that telephone
25 call came through?

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1 A. Concerning the telephone call, when I received that call, I was at home. The
2 telephone rang and I saw the number. It was not a local number, it was a call from
3 abroad. I answered. I was asked, "Is this Mr So-and-so?" I said, "Yes, I am he." The
4 person said that in the coming days he was to meet with me to arrange a meeting, an
5 interview, and as soon as the person arrived in the country, then we would organise that
6 meeting, and I agreed. On the indicated date, I was telephoned. You have asked
7 me -- excuse me, they asked me whether I was available for an interview, and I answered
8 that I was.

9 Q. Who knew you were going for these interviews? And we are in public session, so
10 please avoid using names rather than stating their relationship to you.

11 A. I said that where it concerned the Banyamulengue, all this for us was personal and
12 individual. I considered it as being confidential, as a secret. I'm not mad to shout from
13 the rooftops that I've been contacted. If I have been contacted well, that's a secret that I'm
14 going to keep; that's to say, at a given hour, I'm going to turn up at the place and answer
15 the questions. After that, I'll go home. It's like at home. When I go to the toilet, people
16 don't ask me where I'm going, or when I'm leaving to go shopping, people don't ask me
17 where I've come from. Normally, I leave. I'm not a child. I don't have to publish this
18 secret. This was something I kept jealously, for myself.

19 Q. Okay. Now, during the three days of your interviews, when you went home at
20 night, did you talk to anybody about the questions you had been asked?

21 A. At my house, I don't put people up to give account of my activities. Outside my
22 family, my children, my children are still young, I don't have to tell them. My wife isn't
23 interested in that. I've never said where I was. Only coming here, given that it was a
24 long trip to a foreign country, I said to my wife that I wouldn't be there and I said where
25 I'd be going, but where it comes to my moves around Bangui, I didn't tell anybody that.

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1 There was never a debate concerning this interview or other people who might have put
2 questions to me with regards to the interviews that I had had.

3 Q. I'm particularly interested to know whether you talked to any of your neighbours
4 about the questions you had been asked in Bangui.

5 A. I already told you that my neighbour is the person to whom I'd given the name here.
6 You know that there are subjects which we can't speak about to the neighbours. If they
7 are ordinary subjects, yes, but if they are subjects relating to your private life, you don't
8 need to speak about that to your neighbours, unless there is an important subject that you
9 can share, yes. This is an event that affects us sincerely and which is now at judicial level,
10 so I can't take the risk of talking to anyone. My neighbour in particular, no. I keep this
11 secret jealously. I don't speak to anyone about it.

12 Q. Okay. Well, I want to see if you can explain something else in your interviews.
13 It's document 3 on the Defence lists of documents. I won't give the long ERN number
14 again but I'd be obliged if we could look at the bottom of page 0848, please. The
15 document is confidential. Sir, is the print big enough for you to read?

16 A. Yes.

17 Q. Well, would you be so kind as to read out the very last paragraph on that page,
18 please, slowly for us so that the interpreters can interpret it into English? And I'll just
19 interject here. You can leave out the name of the village, if that would make you more
20 comfortable.

21 A. Do you want me to read the document?

22 Q. Nice and slowly.

23 A. "Before answering your question, I would like to correct something that I said
24 yesterday. You asked me if Bemba had come escorted. And I said 'no' to you. But in
25 fact, when I went back yesterday, I suddenly asked questions to a neighbour of the village.

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1 He told me that Bemba accompanied -- was accompanied by men from the Presidential
2 Guard. They are generally called the Green Berets. But myself, I do not remember.
3 Bemba was escorted to his staff HQ because the zone could be dangerous."

4 Q. That will probably do, sir.

5 A. "Given that his men had committed" --

6 Q. Without giving a name, do you remember which neighbour it was that you asked
7 questions of during the course of your interviews with the investigators?

8 A. Thank you, Counsel. Thank you. Yesterday you presented a document to me and
9 you asked me to call the person "Assistant," and I want to say that the neighbour in
10 question is the assistant which we spoke about yesterday.

11 Q. Thank you. And why, in the middle of the interview with the investigator, did you
12 go and ask questions of the assistant?

13 A. You know, every human being created by God can have memory lapses, and if that
14 happens you can ask a question to somebody close to you. I know that after the different
15 events, as the international community was already involved in the case, certainly the case
16 would be taken to court. As such, it was necessary to check the truth of what we had
17 said with regards to the events. So, in order to be sure, I had to go and see the person to
18 speak to him. You know, I can't just talk to the person just like that. I have my own
19 way of talking to the person in a subtle way. For example, "My brother, the person who
20 came, when did that person arrive?" And, for example, I can also say, "But, my brother, I
21 don't remember the date on which Mr Bemba arrived. Could you tell me?" It was
22 questions of this type that I asked. So such that I could tell the truth to the investigators I
23 had to ask questions of this type because, you know, the people who came to interview
24 me, this is not just anyone. These are important people.

25 Q. Forgive me, sir. I'm just waiting for the transcript to come up before I put my next

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1 question. In the English, at line 11, you said, "But, my brother, I don't remember the date
2 on which Mr Bemba arrived. Could you tell me?" Did you, in fact, during the course of
3 your interviews ask anybody what date Mr Bemba had arrived?

4 A. During the interviews, well, they could last for up to 20 hours.

5 THE INTERPRETER: Up to 8 o'clock, corrects the interpreter.

6 THE WITNESS: (Interpretation) Now, once that had happened, maybe people were
7 already in bed. So people were asking questions of this type, but the person to whom I
8 asked this question (Redacted)

9 (Redacted)

10 (Redacted) So that person participated in a lot of ceremonies of this type. You know,

11 Mr Bemba is not a vulgar person. That person has the status of a Head of State. When
12 he came, he was escorted with units, the presidential guard, and so the authorities could
13 put pressure on the local authorities in order to take part in the ceremony for the arrival of
14 Mr Bemba. And because at the time it was (Redacted)

15 (Redacted) he was also present at the ceremony, so I had the intuition of talking to him to
16 ask this question relating to the date and the circumstances of the arrival of Mr Bemba. I
17 asked him the question, "Did he come by car?", and it was in this way that this person
18 gave me information. He told me that the Chief of Staff was the son of Bemba.

19 MR HAYNES:

20 Q. Thank you. Are we talking about the same person, the assistant?

21 A. Yes, that is correct.

22 Q. And so that I am clear, are you telling me that it was during the course of your
23 interviews with the investigators that the assistant told you the Chief of Staff was
24 Mr Bemba's son?

25 A. I think when I got this information it wasn't at the time of this investigator. It was

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1 after the interview that I had with the investigators and the next day that I saw the need to
2 correct that. It was in that context. But when I was told that the Chief of Staff was
3 Bemba's son, this was when my child had been beaten up. You know, we were attacked
4 on a Saturday and the next day, the Sunday, I went to the commercial centre, and when I
5 left I passed by that person, (Redacted)
6 (Redacted) and I expressed to him that I had been attacked by the Banyamulengue, who had
7 shot into my compound, they had raped my daughter, pillaged my goods and they had
8 taken my son. It was while it was raining. They already shot him. This was the
9 information that I'd given and he answered me, "But what can we do? When the Chief of
10 Staff is the son of Mr Bemba, what can we do?" Having told me that, I couldn't do
11 anything, and then I continued on my way until I met the soldier that I have spoken
12 about. This soldier told me that also he couldn't do anything, and from then I decided to
13 go back home because I couldn't do anything. It was when I went back home that I met a
14 boy who told me, "Oh, Papa, your son who you are looking for is on the other side. His
15 hands are bound." That's all I can tell you with regards to the situation.

16 Q. Okay, thank you. Can we just briefly come back to what you discussed with the
17 assistant. During your interviews did you discuss with him any other dates; for example,
18 the date on which the Banyamulengue arrived in PK12?

19 A. When I met the assistant we didn't have an interview concerning the dates, because
20 the dates on which the Banyamulengue came, or when they arrived at PK12, I knew the
21 date of their entry, of their departure to PK22, their return. I knew all these dates. I
22 couldn't ask him a question concerning the dates. This is information that I had asked
23 with regards to the arrival of Bemba. "Was he escorted?" That was the information I
24 was looking for, to be able to see that clearly, so I can tell you that we did not speak about
25 the dates.

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1 Q. Well, can we please then have a look at your first interview, the interview of 22
2 August. That's Defence document number 1, and I'd like to look in the French, please, at
3 page 0798 and then page 0799. Now, I'd like you to read, please, from the second line of
4 the page which says "27 Octobre" to the bottom of that paragraph for us, would you?

5 A. Yes: "This time they decided to go to PK22. 27 October, at 1500 hours, a column
6 of forces dressed wearing caps in military uniform, wearing berets and Rangers, and they
7 had weapons of all types of calibres and they were in single file. They were marching
8 slowly and they crossed the barrier to continue. Could I have a piece of paper to show
9 that?" I continue?

10 Q. Yes, please, if you would?

11 A. "The witness takes a piece of paper and starts drawing. The drawing is annex 1.

12 Witness: When they were crossing through, it was the first time that the people saw
13 bizarre troops; others wearing berets, in uniform, et cetera. As they were marching
14 slowly on this path, the population took the Damara road, or went to the side of the
15 Damara road, to observe them. Myself, I was one of them, because it was the first time
16 that we had seen anything such like. They went and, as it was the end of the village,
17 point '0' of annex 1."

18 Q. Now, can we stop there please. Were you at that point drawing the plan that we
19 looked at yesterday?

20 A. That is correct.

21 Q. Now, please, go over to page 0799, towards the bottom. And would you be so
22 good, sir, to read the five lines that appear under "reprise, 15, 30"?

23 A. "Investigator: You spoke about a column of Bemba's troops. How many columns
24 were there?" "Witness: One column of three divided up which were following in single
25 file." "Investigator: Do you remember the date on which you saw this column?"

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1 "Witness: I said that it was 27 October 2002 at 1600 hours. I remember this date."

2 "Investigator: At what point exactly did you see them?"

3 Q. Sir, I'll ask you again: Did you during the course of your interviews with the
4 investigators from the ICC talk to the assistant about the date of arrival of the
5 Banyamulengue? You can answer "yes" or "no."

6 A. Do you want me to answer with a "yes" or "no"? This is a question that you put to
7 me so I would have to analyse the question before I can answer it. I can't just give a "yes"
8 or a "no" to that. I have to be able to analyse the question before answering you. So, for
9 the moment, I haven't understood what your question is and that's the reason why I
10 would ask you to reformulate your question.

11 PRESIDING JUDGE STEINER: Mr Haynes, let's try to formulate tomorrow because we
12 need to adjourn.

13 MR HAYNES: I was very much conscious of that and perhaps trying to cut corners too
14 much.

15 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

16 Mr Witness, we come to the end for today's hearing. We are going to continue tomorrow
17 morning. We thank you very much for being here. We wish you a very nice evening, a
18 restful night, and tomorrow morning at 9.30 we will resume and Defence will continue
19 questioning you.

20 I'm going to ask court officer to turn into closed session in order for the witness to be
21 taken outside the courtroom. In the meantime, I'd like to thank very much the
22 Prosecution team, the legal representatives of victims and the Defence team,
23 Mr Jean-Pierre Bemba Gombo, our interpreters and court reporters, wishing all of you a
24 restful night, and we are going to adjourn and resume tomorrow morning at 9.30. Court
25 officer, please.

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- 1 (Closed session at 4.04 p.m.) Reclassified as Open session
- 2 THE COURT OFFICER: We are in closed session, Madam President.
- 3 (The witness stands down)
- 4 THE COURT OFFICER: All rise.
- 5 (The hearing ends at 4.04 p.m.)
- 6 RECLASSIFICATION REPORT
- 7 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 8 ICC-01/05-01/08-3038 and the instructions in the email dated 21 October 2013, the
- 9 version of the transcript with its redactions becomes Public.