

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 Judge Kuniko Ozaki

6 Trial Hearing

7 Friday, 18 February 2011

8 (The hearing starts in open session at 9.38 a.m.)

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

10 Please be seated.

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

12 in open session.

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

14 the case.

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

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

17 PRESIDING JUDGE STEINER: Thank you very much. Good morning and

18 welcome the Prosecution team, the legal representatives of victims, the Defence team,

19 Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters and court

20 reporters. We will continue this morning with the questioning of Witness 42, and for

21 that purpose I ask, please, the court officer to turn into closed session in order for the

22 witness to be brought into the courtroom.

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

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

25 (The witness enters the courtroom)

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

2 (The witness speaks Sango)

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

4 (Open session at 9.41 a.m.)

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

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

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

8 PRESIDING JUDGE STEINER: Did you manage to rest throughout the night?

9 THE WITNESS: (Interpretation) Yes, I was able to rest.

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

11 today?

12 THE WITNESS: (Interpretation) Yes, I'm always ready. If the Court has questions

13 for me, I am prepared to answer them.

14 PRESIDING JUDGE STEINER: Thank you very much. Witness, I need to remind

15 you that you are still under oath. Do you understand that?

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

17 PRESIDING JUDGE STEINER: I also want to remind you that you are under

18 protective measures. Your voice and image broadcast outside the courtroom are

19 being distorted so that no one outside the courtroom can identify you by your face, or

20 by your voice. You need to remember that you can -- you should not mention names

21 of family members, of neighbours, of places, that could lead to your identification

22 when we are in open session. If need be we go to private session, and then you can

23 speak freely because the public will not listen to what you're saying. Do you

24 understand that, sir?

25 THE WITNESS: (Interpretation) Yes, I do, Madam President.

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1 PRESIDING JUDGE STEINER: And if you feel tired, Witness, or distressed, or you
2 need a break for any reason, just let us know and you will have as many breaks as
3 you want. Is that fine with you?

4 THE WITNESS: (Interpretation) Yes, your Honour, that is agreeable to me.

5 PRESIDING JUDGE STEINER: Thank you. So I'm giving the floor to Mr Haynes
6 who will continue questioning you. Mr Haynes, you have the floor.

7 MR HAYNES: Thank you very much, Madam President. Good morning to you.

8 QUESTIONED BY MR HAYNES: (Continuing)

9 Q. Good morning, Mr Witness. Are you well?

10 A. Yes, I am fine.

11 Q. Sir, it's my hope and plan that we can finish with your evidence today, but I will
12 need your help. Will you give it to me?

13 A. But ever since you have been questioning me, I have never refused to answer
14 you. This means I am helping you.

15 Q. Yes, but can you today especially listen carefully to the questions and try and
16 answer the questions I am asking? They will all relate to your attack and the period
17 after that, so there should be no need for you to tell us about what happened on
18 occasions earlier than that. Do you understand?

19 A. Yes, Counsel.

20 Q. Okay. Then let us proceed. During the occasion when the soldiers came to
21 your house, they stole some money. How much money did they steal?

22 A. The amount of money stolen was 90,000 francs.

23 Q. And was that in notes or in coins, or a mixture of both?

24 A. It was 10,000 franc notes.

25 Q. And where was that kept?

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1 A. I have told you that in my house I had a cupboard in which I kept my books,
2 and the money was in one of the books so as to make it accessible at all times. When
3 they arrived, they emptied the contents of the cupboard and, in so doing, took away
4 the money.

5 MR HAYNES: Thank you. Can we have, please, in eCourt the same document we
6 were looking at late yesterday afternoon? It's document number 5 on the Defence
7 list, the Application to Participate as a Victim. And I want to look at, please, page 11
8 at the top.

9 Q. Is that sufficiently enlarged for you to read, sir?

10 A. Yes, I can see it.

11 Q. Would you read out for us nice and slowly, please, the handwritten section that
12 is on the screen now?

13 A. "I sustained invaluable losses, the vehicle's spare parts of my Renault that they
14 took away, they stole an amount of 180,000 francs CFA. My son, who had just
15 obtained his baccalaureate, received gifts in kind which were taken away.

16 Mattresses." I cannot read very well. As you know, some of the words are not very
17 legible. That is why I cannot read everything.

18 Q. It doesn't matter, you've read enough for my purposes. Could we just go
19 down to the bottom of the page, please? Is that your thumbprint on that page as
20 well?

21 A. Yes, that is correct.

22 Q. Did you put it there after the form had been filled in?

23 A. But you cannot place your thumbprint there before filling up the form. You
24 always do that after.

25 Q. Thank you. Then can you explain to us why, in your application to become a

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1 victim, it states in the first person that you had 180,000 francs stolen?

2 A. I believe this is the same thing that we realised yesterday. Yesterday I

3 explained that at the time that I filled the form, and after I filled that form, I was not

4 given the opportunity to re-read it before signing it. Yesterday I gave you the name

5 of the person who assisted me in filling the form. When interviewed by the

6 investigators, I was able to read some of my statements, following which I did make

7 some corrections.

8 In this particular case, I did not have the opportunity to re-read the form so as to

9 identify any possible errors, so this form was filled and I was simply asked to put my

10 thumbprint, and that is what I did. Of course, I know how to read and write, but

11 since they simply asked me to put my thumbprints, that is what I did. Otherwise, I

12 was not able to re-read the form myself.

13 Q. Well, we can go through it page-by-page, but how many times did you put your

14 thumbprint on this form, sir?

15 A. I have already told you that the form comprises several pages, and the form was

16 filled a long time ago, so I no longer remember whether I put my thumbprint on

17 several pages or not.

18 Q. Well, let's see, shall we? Can we go over to the next page, page 12, and go

19 down to the bottom. Is your thumbprint on the next page?

20 A. Yes, but this is my thumbprint. If you see any thumbprint on the document, it

21 means it is mine.

22 Q. Well, somebody will correct me if what I'm about to suggest to you is wrong,

23 but your thumbprint is on every page of this document, isn't it?

24 A. I do not understand. I told you at the beginning that the form comprises

25 several pages, maybe 15 or 20. In any case, there are several pages. You asked me

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1 whether I put my thumbprint on all the pages; I told you that I cannot remember
2 precisely. Could it have been possible for me to put my thumbprint only on the
3 pages that were filled? I cannot remember precisely.

4 Q. Well, if we go up this page, page 12, just a little bit, can you see nothing's
5 written on that page?

6 A. Yes, I can see that.

7 Q. So without going through every page, it looks like your thumbprint was on
8 every page, whether there was writing on it or not, doesn't it?

9 A. Yesterday, I said that I did not have the document with me to personally put my
10 thumbprint on every page. It is the person who helped me fill that document.
11 After helping me, he would take my thumb, put on the stamp pad and then place it
12 on the page. I do not know whether that person put my thumbprint on all the pages
13 or on only some pages. I cannot give you that clarification.

14 Q. Why is it that the amount of money that you claim to have had stolen is
15 precisely double the true amount?

16 A. I don't know. When you come to testify before the Court, if you come to lie,
17 that's not good. Even if you have nothing, it is better to have a clear conscience. I
18 made the statements. This statement was written down by somebody else. If I was
19 the person who had written this, who had put down different figures in writing,
20 perhaps I would be in a position to give you an answer. But I was simply talking
21 and another person was writing it down. Is it this person, this other person, who
22 committed the mistake? I really cannot tell you. I mentioned 90,000. I'll give you
23 an example. When the investigators from the ICC took my statement, after writing
24 the statement down, they gave the document to me to re-read. I re-read the
25 document and then I was able to make corrections to it. But you see, this particular

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1 document was filled out by somebody else. You see the amount of money that is in
2 this document is not the same amount that I gave you, not the 90,000 francs that I said.
3 It is double that amount.

4 Q. What do you think the purpose was of putting your thumbprint on every page?

5 A. This is a document which was to be presented before the Court and so I had to
6 put my thumbprint on it so that it could be determined that it was truly I who had
7 made this declaration. You can see that I am not the only person who put
8 fingerprints on forms. Everybody who testified also had to put their fingerprints on
9 the various forms, just as I did.

10 Q. Very well. We'll move on for the time being. Can we now, please, put into
11 eCourt document 3 on the Defence list, at page 0834. And it's the top half of the page
12 that I'm interested in.

13 JUDGE ALUOCH: Mr Haynes, I'm sorry to interrupt you. I was just pursuing
14 what the witness -- the question you've been putting to the witness on the amount of
15 money.

16 MR HAYNES: Certainly, your Honour.

17 JUDGE ALUOCH: Then I looked at his statement given to the investigators on this
18 particular amount of money.

19 MR HAYNES: Yes.

20 JUDGE ALUOCH: I think it's CAR-OTP-0055-0411, particularly at page 0412, and I
21 see that the amount of money he mentioned to the investigators is 90,000 francs.

22 MR HAYNES: I'm aware of that, yes.

23 PRESIDING JUDGE STEINER: Okay. I wasn't aware that you were.

24 MR HAYNES: And also I believe that the document you're referring to - not that it
25 makes any difference to this issue - is an unauthenticated English translation. I'm

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1 using the French because that is the first translation.

2 JUDGE ALUOCH: I didn't read the French. I was just --

3 MR HAYNES: No, I've read the English as well but I'm not using it in

4 cross-examination for that reason, so that you understand.

5 THE COURT OFFICER: The document CAR-OTP-0027-0809, at page 0834, is

6 available on your screens and is marked as confidential.

7 MR HAYNES: Can we just scroll it down one single response. Perfect. Thank

8 you.

9 Q. Sir, is that big enough for you to read?

10 A. Yes, I will try and read it.

11 Q. Can you start, please, from the large -- well, start from "Qu'est-ce qu'ils vous ont

12 fait d'autre"?

13 A. "What else did they do to you, Witness?" "Outside already I was hit and I fell

14 down and they told me, 'Get up and go inside'. And when I went inside, they hit me

15 again in the left eye and I was unable to see, and they told me, 'Go inside, go inside.'

16 And then they said, 'Lie down.' I lay face down on the ground and one of them

17 stood on me, one foot on the nape of my neck and the other on my back and that

18 immobilised me and at the end they hit me and they said, 'Your son is a rebel. He's

19 going to find out'."

20 THE INTERPRETER: Interpreter correction, "He's going to see something."

21 MR HAYNES:

22 Q. And can you please read out the next question and answer?

23 A. "Investigator: And your wife, what happened to her?" "They made my wife

24 lie down next to me to my right." "Investigator: And what else did they do to her?"

25 Q. Thank you. Now, I've just got two questions arising from this. The first is,

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1 when you were hit outside, to what part of your body were you struck?

2 A. They were annoyed. When they began to hit me, it was indiscriminate. They
3 were hitting me all over. They were giving blows in any order; you could be hit on
4 the head, on your face. All parts of your body were exposed to their blows.

5 Q. So when you said to the investigators that outside, they gave you "un coup,"
6 you didn't mean that, you meant you were hit repeatedly, did you?

7 A. I said that they brutalised me outside. After taking my child away, they hit me
8 and I fell over. Then they told me to get up. I became in a way their prisoner.
9 They took me inside and then they hit me again when I was inside, and I fell to the
10 ground. They told me to lie face down on the ground. That is what I said in my
11 statement.

12 Q. And when you said your wife was lying down next to you, what did you mean
13 by that?

14 A. Outside I was with my wife when they came and they circled us. They hit me
15 first of all, and they took me inside and then they hit me again as I was crossing the
16 threshold into the house. They were also dragging my wife into the house and they
17 made her lie down on the ground next to me. As my wife was old and a little tired,
18 is that why they left her relatively alone? I don't know.

19 Q. Was your wife in the same room?

20 A. I told you that I was with my wife outside the house when the events began,
21 and when I got up to ask these soldiers questions as they were brutalising my child,
22 my wife followed me and it's then that they began to hit me, and my wife was there.
23 and then they took the two of us into the house.

24 Q. Thank you. Can we go now, please, to page 0838, and would you mind
25 reading the first question there and the answer? But please do not read the name

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1 that appears on the screen.

2 A. The first question, was that the witness who was speaking, because it says
3 "Investigator" and normally the investigator asks the question, but I see that here it's
4 the answer, not the question? Perhaps I should -- well, what exactly are you
5 referring to when you ask me to read the first question, counsel?

6 Q. Would you read the first question which is attributed to the investigator, which
7 is in fact the second entry on the page?

8 A. "Investigator: You talked about someone intervening in your favour when
9 your family was attacked. Tell me how that happened." "Witness: No, I talked
10 about (Redacted) who spoke to a chief and he spoke up in Lingala. I
11 heard him shouting outside and immediately I was freed. If he had not come, I
12 would not be alive today."

13 Q. Did you know where those people were when you heard them?

14 A. Who are you talking about, counsel?

15 Q. The neighbour and the officer, and please don't mention the neighbour's name.

16 A. Thank you, counsel. You asked me yesterday to give you an estimate of the
17 distance between my house and the house of that woman, and I said that it was
18 15 -- ten to 15 metres away. From my place I could see her on her verandah but, you
19 see, I was at my place and I was being brutalised and I was shouting out. Could she
20 hear me from her place?

21 Q. So were they within or without the compound of your house, so far as you
22 knew?

23 A. You advised me not to go back over old matters, but I really have to come back
24 over certain details if I'm to answer when you ask me whether it was in my
25 compound or in theirs, but I need to explain. I said that this neighbour here lived

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1 quite close to where I lived. (Redacted), because she spoke
2 their language. When the events were taking place, the military chiefs were at her
3 compound and things were going on in my compound. Given the way that they
4 were brutalising my child, they were beating me up, they were abusing me and my
5 wife and they were looting my property, (Redacted) who was next door
6 could see what was happening. And then she began to cry and she began to shout
7 out, begging the chiefs who were next to her to look at how the soldiers were treating
8 me, and she was begging them to go and intervene so that those soldiers would stop
9 abusing me and I could also see that she was trying to intervene.

10 Q. What language was she speaking in?

11 A. I'm telling you that this lady spoke Lingala. She spoke Lingala without any
12 accent, as though it were her mother tongue, and that is the language she used to talk
13 to the chief who was in her compound. Otherwise, how would he have been able to
14 hear and understand her?

15 Q. How were you able to hear and understand her?

16 A. If you live with somebody, you consider that person a member of your family.
17 If you hear that person speak, if you hear that person begging, you are perfectly able
18 to guess that she is trying to intervene in your favour. I didn't understand Lingala,
19 but I could hear her. I could hear her crying, shouting, begging out loud. You
20 asked me how could I know what she was doing. Well, don't you think I could tell
21 that she was pleading for these people to come and save me? That is what I
22 imagined was going on. That is what I thought was happening. She didn't say
23 anything other than that. I knew that she was begging the chief to intervene and
24 save me.

25 Q. So you guessed the gist of what she was saying, but you have no idea what she

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1 was saying in detail; is that correct?

2 A. She was speaking Lingala. How could I understand the details of what she
3 said? That is why I supposed, why I guessed, what she was saying. This woman,
4 this eyewitness, was begging these chiefs to intervene and save me. Before that
5 moment she wasn't crying, she wasn't shouting, but when the events began, when I
6 was being beaten and abused, then she started crying and begging. That was when I
7 heard her begin to shout out and I could not but understand that she was pleading for
8 me.

9 Q. Well, on 11 February before this Court, English transcript page 18, lines 15 to 17,
10 you told us she was saying, "What has this man done to you? This is wrong. You
11 must stop this." Do we now understand that you didn't know whether she was
12 saying that, or not?

13 A. I told you that she was addressing them in Lingala and, after she intervened,
14 they finally intervened. Obviously it was late in the day because the attack had
15 already taken place, but it was at that time that my attackers withdrew. But because
16 this lady was my neighbour and we lived together, don't you think she would
17 have -- she couldn't come over to tell me everything that she said in my local
18 language? She came to my place from time to time, and when she came, that day
19 when she came to my place, I said to her, "Thank you very much, because it is thanks
20 to your intervention that my life was spared," and then after that she explained to me
21 everything that she had said to them.

22 MR HAYNES: Thank you. Now, can we go back to document number 5 on the list
23 and have a look again at page 18, and it's right in the middle of the page, please.

24 Q. Sir, yesterday evening the last words you read were, "treize ans," 13 years. Can
25 you see that on the page?

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1 A. Yes, I have seen this.

2 Q. I would like you to start reading immediately after that, please.

3 A. "It was thanks to a loyalist member of the FACA passing by who intervened to
4 have my daughter released, but you know that at the time of the events there were no
5 nurses." I am sorry, I can't read below that.

6 Q. It doesn't matter. What does FACA stand for?

7 A. FACA stands for Forces armées centrafricaines, Central African armed forces.

8 Q. And was it a member of the Central African armed forces who intervened?

9 A. Yes, it was a Central African soldier. (Redacted)

10 (Redacted).

11 Q. So the Banyamulengue at your house took orders from a Central African officer;
12 is that correct?

13 A. They did not take any order from a Central African officer.

14 Q. Well, did they stop doing what they were doing when he told them to?

15 A. I think that here there is some confusion. What I said about the intervention of
16 that boy, that was when all my children had been taken outside the house and the
17 house -- the door of the house had been closed. And since they came and the
18 Banyamulengue -- correction, since he came and the Banyamulengue knew that he
19 was a loyalist, that was how it came to be that he went to see the chief and told him,
20 "Listen, the children did nothing. Why did you shut them up in the house? These
21 people and the people that you came for, why did you shut up my parents in the
22 house -- my relatives, rather, in the house?"

23 After that, the chief intervened and said, "These people are not aggressive. Why
24 have you shut them up?" So that was what was said by the loyalist soldier. He
25 wasn't there at the very beginning; he was not there at the time of my assault.

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1 THE INTERPRETER: Message from the Sango interpreters. Could someone please
2 ask the witness to slow down?

3 PRESIDING JUDGE STEINER: Mr Witness, the Sango interpreter is asking you,
4 please, to slow down. He's having difficulties in following you, and asking you
5 please to speak slowly. Thank you.

6 MR HAYNES:

7 Q. Sir, did this Central African Army officer speak Lingala?

8 A. No, he did not speak Lingala.

9 Q. Then how did your neighbour communicate with him and how did he
10 communicate with the soldiers in your house?

11 A. I didn't say that they spoke within my house. I did not say that they spoke
12 within my house. I told you that when the people rose up and went to my
13 compound with sticks and other items, regarding what I said yesterday, that was the
14 point in time when the soldiers fell back and the population withdrew as well.
15 So the soldiers said that -- to themselves, this is a threat from the population. They
16 are soldiers and they could not just cross their arms when dealing with such a threat.
17 One soldier from the guard came to my compound and told my family members to go
18 into the house, and he was the one who closed the door on them. After that he went
19 back to his position on the line so he could observe the place that the population had
20 come from.

21 I was one of the people who was inside -- correction, I was outside. I was hidden
22 outside, watching everything going on, and that was when this boy arrived.
23 Since -- you see, he came from the centre of town. He was a soldier from the
24 Presidential Guard and that soldier was respected by the Banyamulengue.
25 And when this boy arrived, I approached him. I called him by his name, because I

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1 knew his name, and I explained to him that the Banyamulengue had shut up all the
2 members of my family in the house. And then he went to the neighbour who spoke
3 Lingala, and since the neighbour knew him -- correction, knew it just fine, they could
4 communicate in Sango, and so he went to greet the Banyamulengue officer.

5 And was it (Redacted) who was the interpreter? I really am not in a position to know that.
6 He said, "Listen, this gentleman is one of our fathers. Why have you shut up his
7 children within the house?" And I was there, and I looked at him, and then they
8 came together to the house and they opened up the door again and brought out the
9 children. So that is what I said.

10 MR HAYNES: Well, can we just go back to document number 3 at page 0838, please.

11 And to avoid any possible mistake, it might be safest just to go into private session,
12 Madam President.

13 PRESIDING JUDGE STEINER: Court officer, please.

14 *(Private session at 10.37 a.m.) Reclassified as Open session

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

16 MR HAYNES:

17 Q. Would you please just read out for us again the answer you gave the
18 investigators which begins, "Non, j'ai parlé"?

19 A. But it seems to me --

20 THE INTERPRETER: The Sango interpreter has not heard what the witness just
21 said.

22 MR HAYNES:

23 Q. Could you just, please, read it out for us?

24 THE INTERPRETER: A message from the interpreters. The witness would like to
25 know whether we are in private session or not.

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1 MR HAYNES:

2 Q. Yes, we are in private session.

3 A. "I spoke of a woman (Redacted), and he spoke in

4 Lingala. I heard (Redacted). If he

5 had not come, perhaps I wouldn't be alive today." "Investigator: Is (Redacted) still

6 there?"

7 Q. Is what you told the investigators there the truth?

8 A. Yes, it's the truth.

9 Q. So the officer intervened in Lingala, did he?

10 A. * He spoke in Lingala to the invaders, the ones who were looting my house and

11 beating me up. He spoke to them a bit in Lingala.

12 Q. Thank you. I think we will leave this subject now. What did your wife tell

13 you on that day had happened to your daughter? We can probably go into public

14 session for that question, and I will repeat it.

15 PRESIDING JUDGE STEINER: Court officer, please, let's turn into open session.

16 (Open session at 10.40 a.m.)

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

18 MR HAYNES:

19 Q. After the soldiers had gone, did your wife tell you anything that day about what

20 had happened to your daughter?

21 A. Yes, she explained to me what had happened. You know, she and I, we were

22 both being held on the ground outside the house. We could hear our daughter call

23 out. She was calling for her mother; she called her mother's name. We could hear

24 that.

25 After my neighbour intervened with their leader and after the assailants left, my wife,

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1 the mother of this daughter, went to see her, to see what had happened. My
2 daughter remained outside, lying down at the place where those wicked things were
3 done to her.
4 It was only after she came to explain to me what happened. I was really shaken up.
5 I was -- I couldn't -- I didn't know what to say or do. I was flabbergasted. This is
6 the only answer I gave. She was the one who prepared a sitz bath for her daughter.
7 That is what I have told you.

8 Q. I'm going to read something you said to us on Monday of this week. I'm going
9 to omit the girl's name and I think, therefore, it is safe to read it in open session. It's
10 14 February, the English transcript page 53, lines 1 to 3: "The next day the mother
11 said to me that the daughter had told her that the man who put his finger in her
12 vagina had deflowered her, as well as the other one. She said that to her mother,
13 who related the account to me."

14 So was it the next day that your wife first told you your daughter had been raped?

15 A. After the events, my wife went away to see the child. She came back and told
16 me, "These evil people have abused the child." She saw blood on my daughter.
17 I had nothing to say. What could I have done? I told you that these things
18 happened at about 4 in the afternoon. All the mother could do was warm some
19 water and prepare a sitz bath. During all this procedure, they stayed together.
20 It was only the next day when I was able to find her big brother. Once back to the
21 house, the mother explained to me what had happened. One of the soldiers had
22 deflowered her and then a second one slept with her. Now, there was some
23 confusion. Was my wife able to tell me everything immediately, asking questions
24 like "What happened?", "What did they do to you?", when you know very well that
25 they are bandits, armed bandits, who do such things? How can you have the

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1 courage to ask such questions?

2 THE INTERPRETER: Message from the Sango interpreter, once again could
3 someone ask the witness to speak more slowly.

4 MR HAYNES:

5 Q. Sir, I know these are difficult things to talk about, but it's really important that
6 we hear and understand what you have to say and, if you speak too quickly, we
7 won't hear and understand what you've got to say. So could you please slow down
8 for your good? Are you a little tired at the moment? Would you like a break?

9 A. Counsel, there's no question of being tired. Really, this specific point, when I
10 talk about it, I am very, very emotional, moved. I am -- it's -- I'm almost losing my
11 mind.

12 Q. Well, I'm very sorry, but all I wanted to establish was that you didn't know your
13 daughter had been raped when you went to go and get your son back. And that is
14 the case, isn't it?

15 A. Counsel, I have said here, after suffering this mistreatment, the rape occurred
16 that same evening. The leader intervened, the chief intervened, and let us go. After
17 they left, my wife went to the house, saw my daughter, who was still on the ground,
18 on the ground at the very spot. She came back and said to me, "Look, this is what
19 these people have done to our daughter. They have raped her. They have abused
20 her."

21 What does that mean? When she saw the blood on her, I understood. What could I
22 have done? And she, too, what -- she could do nothing. She warmed up some
23 water to prepare a sitz bath for her. We had two situations to deal with: There was
24 our daughter who had been raped, but there was also the problem with our son, who
25 had disappeared.

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1 So in the morning, the mother and I -- my wife and I, we went looking for our son and,
2 when we found out that he was there at the headquarters, we came back to the house.

3 And then, at that specific point in time, my wife went to fetch some vegetation to
4 prepare an infusion for the sitz bath, and the daughter told her the story and said that
5 "One of the soldiers had put his finger in my vagina before sleeping with me. Did
6 these people also sleep with me?"

7 After, my wife had the duty of telling the father --

8 THE INTERPRETER: The witness is speaking of himself.

9 A. -- that the soldiers had raped their daughter.

10 MR HAYNES:

11 Q. Thank you, sir. We can leave that now. There is just one more question I've
12 got to ask about your daughter, and I apologise for it, but did you present her to
13 anybody and say she had been raped?

14 A. A ten-year old girl who was still a virgin, when you see her covered in blood
15 and you see blood flowing from her vagina, how are you going to interpret that?
16 Her mother, during the events, was an adult woman. She was able to interpret what
17 had happened. Did we need to go ask someone for advice about what had
18 happened to our daughter? We knew that our daughter had been abused,
19 deflowered, raped.

20 Q. I fully understand that, but would you concentrate on the question. I'm asking
21 you if you took her to any of the leaders in your community, to show her to them, for
22 example.

23 A. Yes. The next day, when I was trying to locate her older brother, I ran into the
24 person that we refer to as the "assistant." He was the assistant (Redacted), and I
25 explained to him what had happened the day before. I told him that I had been

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1 brutalised, my daughter had been raped and they had kidnapped my son. And so
2 he said to me that the person who was at the headquarters was a particular person.
3 Since you speak (Redacted), yes, I did report what had happened to (Redacted)
4 (Redacted).

5 Q. Thank you. Now, can we come on to the next day, please. Where was it that
6 you ran into the assistant?

7 A. I live down towards the lower part. If you look at the screen, at the sketch, I
8 live further down. (Redacted)
9 (Redacted). I leave my house, I cross the neighbourhood, and I would take a shortcut so
10 as to arrive at the house of the assistant and explain to him what happened before I
11 went on to the trading centre. I took a shortcut, a shortcut through the
12 neighbourhood, and I ran into him at his home to tell him about the events.

13 Q. Did you see your nearest neighbour on the day when you went to get your son
14 back?

15 A. Who are you talking about exactly? Which child are you talking about, the boy,
16 the girl? Try to be clearer, Counsel.

17 Q. I'm sorry, it must be a translation problem. I used the phrase "son." Perhaps I
18 should use the phrase "boy." The day you went to get your boy back, did you see
19 your nearest neighbour?

20 A. My neighbour was not very concerned about the situation regarding my child.
21 I was making these efforts to find my son. I couldn't force him to come along with
22 me in my search. We had been brutalised. My neighbour was at his home. I
23 didn't really have contact with anyone the next day because I was searching for my
24 son. I didn't run into him.

25 Q. Very well. Where did you go to find your son?

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1 A. The events occurred in the neighbourhood. They dragged my son towards the
2 big road, the main road. I didn't know exactly -- where my son was exactly. Had
3 they taken him somewhere to kill him or to keep him somewhere? It was almost
4 night. I could do nothing. I had to wait 'til the next day to begin my search.
5 Going up towards the trading centre, I went by way of the house of the assistant, (Redacted)
6 (Redacted). When events occurred, he was one
7 of the people who would go around the neighbourhood, informing people of what
8 was going on.
9 I went to the trading centre to find my child and I went by way -- by his house. I ran
10 into him; I explained the situation to him. He gave me his reply, telling me that the
11 person was at the headquarters, was the son of a particular gentleman. After that, I
12 kept on going towards the trading centre and I ran into some loyalists who had come
13 from PK12. I told them what had happened, they told me that it was not their
14 concern, and I knew -- I found out that the child was at the headquarters.
15 And I waited, and the child had been taken towards the centre of town, and so I went
16 back home. It was only after, when I went back home, I ran into my neighbour who
17 asked me whether I had been able to find my child. I said, "Yes," and I told him
18 what I had done throughout the course of the day.

19 Q. Thank you. Just going back a day - I'm sorry - when your son was taken away,
20 was he taken away on foot or in a vehicle?

21 A. The events occurred at my home, at my house. They took him.

22 THE INTERPRETER: The witness is using the French verb "traîner."

23 THE WITNESS: (Interpretation) They dragged him to the main road and they said
24 that my son was a rebel. If, after capturing a rebel, what would they do to him?
25 They dragged him along the ground towards the main road. They were talking.

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1 *He was struggling and struggling, but they dragged him, they dragged him to the main road
2 during these events. They were conducting operations throughout the neighbourhood.
3 Did they run into a leader and show him my son as a particular -- and say this is a
4 particular person? They put him in a vehicle, the vehicle of the chief. That is what I
5 learned the next day -- correction, the next morning.

6 MR HAYNES: Thank you, sir. And I note the time. It's time for the break.

7 PRESIDING JUDGE STEINER: Mr Witness, we are having now 30 minutes' break in
8 order for you to take some rest. It's 11 o'clock. We'll be back at 11.30.

9 I'm asking, please, court officer to turn into closed session in order for the witness to
10 be taken outside the courtroom, and in the meantime we are going to suspend, and
11 resume at 11.30.

12 Court officer, please.

13 *(Closed session at 11.02 a.m.) Reclassified as Open session

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

15 (The witness stands down)

16 THE COURT OFFICER: All rise.

17 (Recess taken at 11.03 a.m.)

18 *(Upon resuming in closed session at 11.35 a.m.) Reclassified as Open session

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

20 PRESIDING JUDGE STEINER: Welcome back. Could, please, the court usher
21 introduce the witness into the courtroom.

22 (The witness enters the courtroom)

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

24 (Open session at 11.36 a.m.)

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

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

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

3 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony,
4 sir?

5 THE WITNESS: (Interpretation) Yes, I'm ready.

6 PRESIDING JUDGE STEINER: Thank you very much. Mr Haynes, you have the
7 floor.

8 MR HAYNES: Thank you, Madam President.

9 Q. Sir, welcome back. We were talking before the break about --

10 A. (No interpretation)

11 Q. Please forgive me. I didn't wait for your answer. We were talking before the
12 break about the day when you went to get your boy back, and I want to see if you can
13 help us with where you went, so I'm going to ask that document number 4, the plan,
14 be put back on the screen so that you can look at that. The document is, of course,
15 confidential.

16 THE COURT OFFICER: Counsel, I just kindly ask you to be patient for a few
17 moments until the document is displayed on your screens.

18 (Pause in proceedings)

19 PRESIDING JUDGE STEINER: Mr Haynes, if you don't mind, we are going to put in
20 that other equipment that can be seen by everyone and by the witness, because in our
21 screens it's going to take some time.

22 MR HAYNES: Thank you for that help. Yes, I don't know what you call it either.

23 PRESIDING JUDGE STEINER: I have no idea.

24 MR HAYNES: I take it this is not being broadcast.

25 THE COURT OFFICER: The document is available on your screen by pushing the

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1 button "Document Witness Cam" and the document is classified as confidential, not
2 being broadcast outside.

3 MR HAYNES: Can we move the document just a little to the right, or is that a rather
4 more difficult procedure here?

5 PRESIDING JUDGE STEINER: Court usher, please.

6 MR HAYNES: It's my fault. I meant the left. Perfect, thank you very much.

7 Q. Now, sir, you can see the document on the screen, can you?

8 A. Yes, I can see it.

9 Q. Where was it that you met the FACA loyalists to whom you complained about
10 what had happened to you?

11 A. Which loyalist forces did I meet to speak to them about it? I no longer
12 remember. Can you remind me?

13 Q. Certainly. We're talking about the day when you went to get your boy. Are
14 you clear about that?

15 A. Yes, it is clear.

16 Q. And just to remind you, you've already told us that you took a shortcut past the
17 assistant's house, so was it before or after that that you met the FACA loyalists?

18 A. Thank you. I said that the events took place in the morning, and in the evening,
19 since it was already nightfall, I spent the night and it was the following morning that I
20 started looking for my boy. I did not know where he had been taken, so I went to
21 the trading centre and other places. I left my house and I took the road that I am
22 indicating on the screen. I do not know whether you can see it.

23 Then I reached the assistant's house, (Redacted). I explained to him what

24 had happened to me the previous day. I told him that they had taken my son and I

25 did not know where he was, and I asked him whether he could help me. I went to

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1 the headquarters, where I took contact with those who were there, then I took the
2 road towards Damara; that is in the direction of the checkpoint. I have shown you
3 the trade centre, and when I was going towards the barrier, the loyalist forces were
4 approaching in their vehicle. That is near the barrier, along that road. I was in the
5 company of my wife.

6 I was tired and I was ill, but I continued walking until I met the lieutenant. I
7 informed him about what had happened to him. I told him, "Yesterday, the
8 Banyamulengue mistreated me and they took my son somewhere, but I do not know
9 specifically where, and since you are a soldier, you can help me to locate my son," and
10 his answer to me was, "That is not my business." And since he did not show any
11 interest, I left, and on my way back home, I met a child who told me, "Papa, your
12 child is at the headquarters. I saw him. He is tied up and he is lying on the
13 ground." So, together with my wife, instead of returning home, we continued on our
14 way. There was the road to Boali and the football field next to it, and it was opposite
15 that football field, and from that football field one could see the headquarters. We
16 saw my son sitting on the ground.

17 Q. Thank you very much for that answer. What sort of vehicle were the FACA
18 loyalist troops travelling in?

19 A. The loyalist FACA troops are soldiers of the regular army. They were using
20 Vilara-type vehicles and others.

21 Q. And how many soldiers were in the vehicle that you saw that morning?

22 A. I've said that when I left my house to go up there, I met the assistant, and after I
23 talked with him I went to the barrier, and during that time the loyalist soldiers had
24 already arrived there well before that. They parked their vehicle and were walking
25 on foot. They were approaching us. This is how come I saw the lieutenant in

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1 question and I went up to him and asked him the question about my son. They had
2 been there well before I arrived. They had crossed the barrier, and that is how come
3 we met.

4 Q. Thank you. That's really very helpful, but how many soldiers did you see in
5 this unit?

6 A. I have said that I did not see loyalist forces. I do not know whether they were
7 corporals or lieutenants. I saw a few soldiers scattered about. They were not
8 together for me to be able to know how many of them were there.

9 Q. In which direction were they heading?

10 A. Ever since those events at PK12 after the arrival of the rebels, they retreated,
11 after having failed to set up a base at PK12. After that they abducted the
12 spokesperson and took him away, and the next day, on the 7th, the Banyamulengue
13 arrived where the rebels had been. The rebels were everywhere, but the loyalist
14 forces were positioned in Bangui in the central town. It was after the rebels had
15 retreated that the Banyamulengues arrived. They started advancing. It was after
16 what happened that I went close to the main road to observe. That was the day that
17 I saw the loyalist forces for the first time. That is when I went to the headquarters to
18 seek information about my son.

19 Q. Okay, and how many loyalist forces did you see?

20 A. Counsel, I think that when I was trying to look for information about my son, I
21 met an officer. I went up to him and told him what had happened to me. I had not
22 gone there with the intention of counting the number of soldiers at PK12. I had a
23 concern. I met an officer and I told him about my problem, because the loyalist
24 forces are sons of the soil. We had been victims of acts of violence perpetrated by the
25 Banyamulengue and it was important for me to inform the officer of what had

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1 happened to me. I had not gone there with the intention of carrying out a head
2 count. I think there were not many of them. There were just a few of them
3 scattered about. I told him what had happened to me and he told me that that was
4 none of his business, and I went on my way.

5 Q. Very well, thank you. Do you know what role General Mazi had within the
6 Central African armed forces?

7 A. At the time of the events, General Mazi was Chief of Staff. He was the Chief of
8 Staff.

9 Q. And where was it that (Redacted)?

10 A. I have said that, when I was going to the trading centre to look for my son, I
11 arrived at the barrier and I met an officer. He was a lieutenant. I went up to him
12 and I said, "Good morning, sir," and he answered and I told him my problem and he
13 said that he had not come there for that. It was a child who saw me and because he
14 knew me, he knew that I was looking for my son and he told me, "Papa, (Redacted)
15 (Redacted) at the headquarters," and I asked him where the headquarters was because it
16 was only then, while I was looking for my son, that I came to know where the
17 headquarters was located. So I asked him where the headquarters was and he told
18 me that it was in one of the villas located near the Begoua football pitch.
19 After that I took the Boali road. There was a crowd gathered there of people
20 observing the headquarters. I went there and I started looking in the same direction.
21 I saw two people sitting on the ground. I recognised my son, but I did not recognise
22 the second person. It is only subsequently that I received information about him.
23 I saw a pick-up parked in the compound. I believe that it was Mazi who had arrived
24 on board that vehicle. We were outside and we could see them. He was standing
25 up in the headquarters, and (Redacted) Mazi. The

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1 Chief of Staff was explaining something, but it was not possible for us to move any
2 closer.

3 Q. And the place where you saw them, was that near to the location you've marked
4 as "F" on your plan, the football area?

5 A. Do you want to know where I was? Is that what you're asking me?

6 Q. Yes, please.

7 A. I was close to "F," because the football field is close to the main road. The
8 football field continues all the way to this position, so I was here, and I was before the
9 goalkeeper's goal, and so from there you could see the house or the compound where
10 the general headquarters was.

11 Q. Could you see whether General Mazi was accompanied by other soldiers from
12 the Central African armed forces?

13 A. At the time that I arrived, when I got the information that my child was at the
14 staff headquarters, there was already a gathering because the population of Begoua
15 had assembled to see my son and the person who was arrested and supposed to be a
16 rebel.

17 There were several young people who were at the roadside and who were looking in
18 that direction. I came myself and I saw General Mazi. General Mazi is an officer, a
19 superior officer, so that's not something that I would forget. I didn't see him arrive;
20 he arrived before I did. He was already at the staff headquarters when I was coming
21 to find out -- to find -- to get information.

22 It was after I had got that information, when I arrived, there was already a gathering
23 there and I saw his car, and what was being said there from the time when I was close
24 to the main road is something that I don't know. Did they intend to kill my son? I
25 was waiting to see what was going to happen next.

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1 Q. And what did happen next?

2 A. After that, we were standing there. They were in the compound talking. You
3 could see the chef gesturing. Mazi was seated and the supposed rebel was sitting on
4 the ground. He had his hands tied behind his back. We, the population, were
5 gathered and we were watching what was happening. In the group, we wanted
6 General Mazi to take these prisoners, because at least he was Central African and he
7 would be able to take care of those rebels, and that's what the population was saying.
8 I was there standing.

9 A few minutes later, they were asked to stand up. I saw them stand up and get into
10 the car, Mazi's car. He got in the car himself. The chief said goodbye to him.
11 Mazi was not driving the car himself; he's a general. He had a bodyguard. He got
12 into the car and the driver started the car.

13 As they were leaving, because from where we were standing we were next to the road
14 that the cars travelled along and so the vehicle came towards us and everyone was
15 pleased at that because General Mazi had recovered the prisoners. And so the car
16 drove along that main road towards the centre of town. After that, everybody went
17 back to their homes.

18 Q. And how much later did your boy come home?

19 A. At the time when General Mazi recovered them, my son did not come home
20 immediately. I think that they stopped. I think that the car stopped at the national
21 police station, the gendarmerie, and they looked at the prisoners and they told them
22 to go home.

23 My son, as he was injured, his clothes were dirty, (Redacted) gave him some
24 money. I don't know if it was 500 francs or 1,000 francs, but (Redacted) gave him
25 that money and told him to take that money. If he had family in the town of Bangui,

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1 it would be better for him to go to the members of his family, and take a shower and
2 clean up his wounds, and that he should not go back to PK12. After giving my child
3 this money, he continued towards PK12.
4 So my child was released not very far from where his grandfather lives and, therefore,
5 he took the bus and he went to his grandfather's house. It was later on that his
6 grandfather informed us that (Redacted), was at his home, and that is the
7 information that I can give you.

8 Q. Did he come back to PK12 that day or any day later?

9 PRESIDING JUDGE STEINER: Sorry, Mr Haynes, to interrupt. Mr Witness, we
10 want to remind you that we are in open session. Please try not to mention names.
11 Thank you. Can you repeat the question, Mr Haynes.

12 MR HAYNES: Absolutely, your Honour.

13 Q. Did your boy come back home that same day?

14 A. I said when he was recovered by the officer, he did not come home. He stayed
15 in the centre of town and he did not come back to PK12.

16 Q. Did he come back home after that day?

17 A. What happened was an event, and he was not able to come home after those
18 events, because the soldiers were still there and it was only after their departure that
19 he came back home.

20 Q. I see. Now, he suffered some injury to his hands, as I understand it; is that
21 right?

22 A. I told you that he was beaten. He was hit on the hand; his fingers were
23 crushed. He was not able to move his fingers. His nerves had been crushed and he
24 wasn't able to move his hands. He wasn't able to pick anything up.

25 Q. How old was he at the time?

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1 A. He was an adult. He was born in 1978. Between 1978 and 2002, if you make
2 the calculation, you'll be able to come up with his age.

3 Q. It sounds like he was 24 years old. He was also a businessman in his own right,
4 wasn't he?

5 A. A businessman is somebody who is wealthy. What he's doing is just running a
6 small stall to meet his daily needs. It's only a small shop to ensure survival. It's just
7 a small food shop; I'm not sure why you would call him a businessman.

8 Q. Did he receive treatment, medical treatment, for the injury to his hand?

9 A. You know, at that time, in order to go to the hospitals you needed to have
10 money, so I didn't take him to hospital. It's only later that I took him to a
11 physiotherapy centre for his fingers, because he couldn't move his fingers. And
12 because that centre is run by the Catholic mission -- it is the physiotherapy centre for
13 people with physical disabilities to provide care for them, so each time he went there
14 he did physiotherapy. He had a number of sessions. It was at the Catholic centre
15 and the care provided was free of charge.

16 Q. I just wonder if we could have a look at your interview again. It's document
17 number 3 at page 0842. It is, of course, a confidential document. Can you read
18 what's on the screen, sir?

19 A. Yes, I can try.

20 Q. Don't read the long answer at the top. Start with the short question
21 underneath it, "Est-ce que votre fils," et cetera.

22 A. "Did your son have ongoing problems as a consequence?" "Afterwards, with
23 his nerves that were crushed during the events, I took him to the physiotherapy
24 centre and I paid and he recovered the use of his hands".

25 Q. So, which is correct? Did you pay, or was it free?

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1 A. In a country like ours, everything that the Catholic church does, the services
2 provided at these centres are almost free. It was not like at hospital. And, therefore,
3 because they couldn't allow the care to be provided entirely free of charge, they
4 requested small amounts of money because all of the people who work there do need
5 to eat. And so it is not that I paid a sum of money in return for a receipt. I simply
6 gave a nominal amount of money just to help the centre keep running. That is the
7 sense in which I said that.

8 Q. Have you had an operation on your left eye?

9 A. Yes.

10 Q. Did you have to pay for that?

11 A. Yes, for my eye I did pay, because that is something that was done in a public
12 hospital, but for my son, no. Concerning my eye operation, I paid all of the bills and
13 I do have those bills still.

14 Q. Have you ever taken your daughter to see a doctor about what happened to
15 her?

16 A. As far as I'm concerned, I would consider that a useless procedure. Even if I
17 took her to see a doctor, would she recover her virginity? I don't think so. So, it
18 would be better to leave it be. That's why I felt that it was not worth taking her to
19 hospital.

20 Q. Sorry, not worth? You did have the money, then, to take her to hospital?

21 A. Even if I had money, given what they had done, I was very upset. I couldn't.
22 I wouldn't agree to it. I was very upset. What would taking her to hospital change
23 for my daughter's life? Would hospital help her to recover her virginity? I really
24 don't think so. What would be the point of taking her to hospital? What would be
25 the use?

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1 Q. Have you heard of sexually transmitted diseases?

2 A. Well, of course. I know that that exists, these sexually transmitted diseases,
3 like AIDS and many other diseases. I am aware of that.

4 Q. Did you not think it was worth investigating at any time whether your daughter
5 was infected with something that could cause her health to deteriorate in future
6 years?

7 A. But I don't think her life is going to be ruined twice over. Her life had already
8 been ruined by the Banyamulengue. The fact of deflowering her, my daughter is
9 stigmatised because she could no longer go to school. Each time she went to school,
10 people were pointing at her. She suffered atrocities at the hands of the
11 Banyamulengue and everybody was mocking her, saying that she was the
12 Banyamulengue's wife, or woman. Her life already had no more meaning. If she
13 had AIDS or not, if she was going to die as a result, there was nothing more I could
14 do.

15 PRESIDING JUDGE STEINER: Mr Haynes, in relation to this topic, is that enough?
16 Is it relevant to continue in this line of questions?

17 MR HAYNES: I will stop now.

18 PRESIDING JUDGE STEINER: Thank you.

19 MR HAYNES: I just want to look quickly again at document 5, the victim
20 application, and page 24, please.

21 Q. Have you seen this document before, sir?

22 A. Yes. It's a discharge after my operation.

23 Q. And what -- was the operation that you had for a cataract in your left eye?

24 A. I'm telling you that, before that, I didn't have any vision problems. I could
25 read normally, but it was after the blows that I received that I suffered pain in my eye,

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1 and it is also only after that that my vision started to fail. My eye would water. I
2 couldn't even see somebody who was standing opposite me. I couldn't just do
3 nothing and so I had to go and consult somebody, and the doctors decided finally
4 that they would operate on me, and it was after that operation that I recovered my
5 sight. So, if I close the eye that was operated on, I cannot read with the other eye.
6 I don't know, is it after being hit that I developed these problems? I don't know,
7 because I'm not a doctor. I don't exactly know.

8 Q. And is it correct that you had that operation in March of 2006?

9 A. Yes, that is right.

10 Q. And I hope you don't mind me asking, but how old were you then?

11 A. I was born in 1959, and so in 2002 you can calculate the age that I had.

12 Q. Well, in 2006, by my calculation, you were 47. Would you agree with that?

13 A. You asked me how old I was. Do you mean at the time of the operation, or
14 during the events? I haven't understood.

15 Q. I'm very sorry, my fault. At the time of the operation in March 2006.

16 A. Why -- you are saying that it was 2007 for the operation. I actually came out of
17 hospital in March 2007, but you're asking me how old I was at that point in time. My
18 answer is that from the time of my birth to March 2007, you can really calculate my
19 age from that.

20 Q. Yes, we can, so I'll leave that, but just help us with this: Were you wearing
21 eyeglasses before the cataract operation?

22 A. Before that time, I did not wear glasses. I wore glasses -- well, I wore
23 sunglasses. I could read without glasses, but after I could no longer read properly
24 because my eye would water. My eyes would water; I couldn't read properly. And
25 so I decided to go and see a doctor, but before that time I did not wear any corrective

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1 eye-wear.

2 Q. Thank you. Now, just to finish off this particular topic, I want to ask you some
3 questions about the form that was filled in for you. Do you understand what we're
4 talking about?

5 A. Yes, I understand.

6 Q. You told us on the first day of your evidence that all of your children and your
7 wife had a dossier with this Court. Did you mean all of your children and your wife
8 had a dossier with this Court?

9 A. Yes, my children who suffered these acts of violence and abuse have files here, I
10 confirm that. I even have the references for those files. I keep all the references.

11 Q. I'm sorry for cutting across you, but do you mean by that that each one of your
12 children has had a form filled in for him or her such as the one we have been looking
13 at?

14 A. But if they hadn't filled out such a form, how would their files have arrived at
15 the Court so the Court could assess the matter, if they hadn't filled out the form? So
16 it means that, yes, they have filled out the forms.

17 Q. But were all of your children in the house on the day that the soldiers came and
18 took your boy away?

19 JUDGE ALUOCH: Mr Haynes, I am sorry to interrupt. I'm just reading 43, line 1,
20 where he says, "Yes, my children who suffered these acts of violence." He sort of
21 qualifies, doesn't he?

22 MR HAYNES: I'm just clarifying what the position is.

23 PRESIDING JUDGE STEINER: Mr Haynes, let me try to clarify it. Mr Witness, all
24 your children, the (Redacted) of them, have files here or only those who suffered violence?
25 This is what Defence counsel wants to know.

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1 THE WITNESS: (Interpretation) Thank you, your Honour, but the ones -- it was
2 the ones who suffered the violence, the one who was beaten, their mother and I. The
3 ones who were inside, who were beaten inside, who were tied up, the daughter who
4 was raped, those are the ones who have files at the Court. But what would be the
5 interest for those who did not suffer violence, what would be the point of them
6 making an application?

7 MR HAYNES:

8 Q. Thank you. That is now clear. Without as it were telling us what your
9 position was, do you know who gave the training to the intermediaries who filled in
10 the forms?

11 A. Counsel, I really don't know how to answer that question. After the
12 investigation was opened by the Prosecutor looking into these events, an office - a
13 sub-office - was set up, a field office, that works for the Prosecutor.
14 If there are investigations or if there is work to be done for the Prosecutor, it is done at
15 that office, but I'm not in a position to know who trained those intermediaries. No
16 one came to me and told me that they had been trained by someone in -- someone or
17 someone else. When my NGO was operating normally, within the NGO we learned
18 that some people were trained to fill out the forms, but the person who -- or the
19 people who filled out those forms, I don't know.

20 MR HAYNES: I am reminded that, in fact, when we touched on this subject before
21 we were in private session, at the witness's request, so I wonder whether we could
22 briefly move into private session to clarify this matter.

23 PRESIDING JUDGE STEINER: Court officer, please.

24 *(Private session at 12.38 p.m.) Reclassified as Open session

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

Trial Hearing

(Private Session)

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Witness: CAR-OTP-PPPP-0042

1 MR HAYNES:

2 Q. Sir, we are now in private session, as you've heard. To avoid any confusion,
3 the forms I am talking about are the forms such as bear your thumbprint. Are you
4 clear about that?

5 A. It's clear to me.

6 Q. And you told us earlier that they were filled in by intermediaries, do you
7 remember?

8 A. We are in private session and I think it's important to tell the truth, and I'd like
9 to ask you to be patient, because I'll have to provide some explanations. When I was
10 in the NGO, at the point in time when we had to fill out the forms, only a limited
11 number of forms were sent to the NGO, 15, and these forms had to be filled out.
12 Thus, the victims who were members of OCODEFAD were between 5 and 10,000 in
13 number, and there were only 15 forms. Since (Redacted)

14 (Redacted)

15 Several members of the NGO did not receive any forms. And intermediaries were
16 trained.

17 Since a number of the victims did not have files, it was important that the
18 intermediaries go into these areas to help the victims fill out the forms. And so that
19 is how it came to be that the intermediaries from the Court, in cooperation with the
20 field office, went throughout the area. They would fill out the forms. They would
21 help the victims who were involved fill out the forms.

22 (Redacted)

23 Unfortunately, we were not so lucky in that the intermediaries were going
24 throughout the area and helping the victims fill out forms. I took advantage of the
25 opportunity to fill out the forms (Redacted).

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1 There was a lawyer, Paolina Massidda, who asked the victims, and (Redacted)

2 (Redacted) and they have files.

3 And she checked in her computer, and she said, "Well, yes, here is the file (Redacted)

4 (Redacted)." She had an assistant with her, (Redacted), and I contacted her to follow

5 up regarding the files with the Court.

6 So those were the intermediaries who helped us to send these files here to the Court.

7 Q. Do you know how many intermediaries there were?

8 A. (Redacted), so I wouldn't know how many

9 intermediaries there were. Whether there were two or ten, or perhaps there was

10 only one, I don't know. No one -- the person who came to our area I saw and that

11 person was the one who filled out the form. I didn't need to know how many of

12 them there were.

13 THE INTERPRETER: "I never really asked myself that question," repeats the

14 witness.

15 MR HAYNES:

16 Q. Do you know the name of the organisation that trained the intermediaries?

17 A. I told you that I have no information about the training of the intermediaries.

18 Those intermediaries work for the field office. They have a supervisor there who

19 coordinates their activities. These intermediaries would go there, get the forms, fill

20 them out and bring them back to the field office. It was the field office that was

21 responsible for transferring those forms. It was their internal administration. I

22 really know nothing about that.

23 MR HAYNES: Thank you very much for your help. Madam President, we can go

24 back into public session.

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

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Witness: CAR-OTP-PPPP-0042

(Open Session)

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1 (Open session at 12.45 p.m.)

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

3 MR HAYNES:

4 Q. Sir, we are in open session and I'm going to ask you some questions about your
5 neighbour, so please be careful to refer to him only as your neighbour. I think until
6 now we have called him your nearest neighbour. Do you understand?

7 A. I understand.

8 Q. Can I start by asking you this: When was the last time you saw your nearest
9 neighbour?

10 A. But you've asked that question and I told you that we are together. We see
11 each other every day.

12 THE INTERPRETER: Answers the witness, partly in French.

13 THE WITNESS: (Interpretation) He doesn't live on the other side and me on a
14 different side. We see each other every day. We see each other, we greet one
15 another, because we live at the same place. When I was supposed to come here, I
16 saw him.

17 MR HAYNES:

18 Q. Have you had any contact with him since you came here?

19 A. But why would he contact me? To say what? Because when I travelled here, I
20 didn't tell him that I was supposed to come. I was contacted, I was asked to come, I
21 was given my itinerary and I went to the place where I needed to go to, to begin my
22 journey. I didn't tell him where I was supposed to be going. My telephone -- it's
23 true I have his telephone number. I don't have my telephone with me and I have no
24 reason to contact him.

25 Q. So, so that we are clear, you have not been in contact with him by telephone, by

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1 text message, by email, or by any other means since you came to Holland?

2 A. No contact.

3 THE INTERPRETER: Says the witness in French.

4 MR HAYNES:

5 Q. Thank you. Now, you have described something which happened to him and
6 his family. When did that occur, before, or after, the attack on your family?

7 A. I think that, when the investigators were in Bangui, I was asked a number of
8 questions and I replied, saying that I knew -- I had been assaulted and one person,
9 one of my neighbours, had suffered the same fate. I believe that's what I said.

10 Q. And is that correct?

11 A. That is true, because the Banyamulengue are people who bring a lot of trouble.
12 One can't trust them. What happened to me, well, another similar event occurred.
13 I think that I have explained. I've tried to explain that when the OTP asked me
14 questions.

15 Q. Were you at your home when these events happened to your neighbour?

16 A. I said that during the events, during that entire period, I did not move from my
17 home. Some people were fleeing and I said to myself that I was going nowhere
18 because I had children, I had little children, and if they were going to die, I would die
19 and I was going to be present. Everything that happened, happened in my presence.
20 Going to the toilet, preparing food, fetching water, I saw all of that.

21 After my assault, they didn't speak to me any more, nor did I speak to them. They
22 looked at me. I looked at them. My neighbour suffered the same fate, but what
23 could I say? I experienced these events, so did he. He was subject to the same
24 assaults. What could we say?

25 Q. Did you see what happened at his house?

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1 A. His wife used to sell food. She would also sell local beverages. The assailants,
2 because they had taken some money from various people, they would go to her house
3 and one might see them anywhere -- anywhere there was food or alcohol. Were they
4 regularly at his house? I don't know because I really wasn't keeping an eye on that.
5 He was in his house and I was in my house. What happened at his house happened
6 at his house. I was in my house, because in any event, even if I had gone there, I
7 could do nothing. So he was beaten and I was in my home.

8 Q. Did you hear what happened at your neighbour's house?

9 A. I saw him when he was being beaten. I saw that. I didn't know why. It was
10 only after when he, my neighbour, came, because he was in the habit of coming to my
11 home and he explained to me what had happened to him. He said, "They came to
12 kill us. They did that to you. They also came to our house. They also brought a
13 radio set and they asked to purchase it, because for them -- well, you see, my wife
14 sold small items and they thought I had some money. So he said to me he had ..." --

15 THE INTERPRETER: Inaudible.

16 THE WITNESS: (Interpretation) -- "... the radio set. They took some money and
17 they left. The ones who came to sell the radio set left and another one came to tell
18 me that one of his chiefs, a colonel, or I don't know who, was asking for the radio set
19 back, and to avoid problems they went back to the house and got the radio set back.
20 So the ones who came to sell the radio set came back, and when I asked them, they
21 said, 'Why did he ask the question?' It was the colonel who asked for the radio to be
22 returned, but why? Why should they get involved with these soldiers like this?" So
23 there was an explanation and that is what he explained to me.

24 Q. Where did you see him being beaten?

25 A. But I've told you that they were in the habit of coming to drink the alcohol in his

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1 house. It all happened -- all that happened in his house. I was in my house. It's
2 true that I can see his house. Once there was a disturbance, I was able to see that
3 there was a disturbance or some kind of problem.

4 Q. I just wanted to clear it up, because at page 50, line 15, of the English transcript,
5 it is recorded that you said, "I saw him when he was being beaten." Is that correct, or
6 not?

7 A. I am educated. I can't accept that. There's a screen here. If it's true, I think
8 that it should be put on the screen to determine whether it's really what I said.

9 Q. Is it correct, or not, that you saw him being beaten?

10 A. I've told you that that happened in his house. He was in his house. His wife
11 was in his house and it happened there. He came to relate me -- relate the account to
12 me. I did not see it. He was the one who came and told me what happened,
13 because the events occurred in his house. Was he beaten? Was he hit with the butt
14 of a weapon? I don't know, but he told me that he had been beaten. I never was a
15 witness to that.

16 PRESIDING JUDGE STEINER: Thank you, Mr Witness. We are going to suspend
17 now in order for you to have lunch and take some rest. It's 1 o'clock. We'll be back
18 at 2.30. I will ask the court officer, please, to turn into closed session for the witness
19 to be taken outside the courtroom. In the meantime, we are going to suspend and
20 we'll resume at 2.30.

21 *(Closed session at 1.01 p.m.) Reclassified as Open session

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

23 (The witness stands down)

24 THE COURT OFFICER: All rise.

25 (Luncheon recess taken at 1.02 p.m.)

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(Open Session)

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1 *(Upon resuming in closed session at 2.35 p.m.) Reclassified as Open session

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

3 PRESIDING JUDGE STEINER: Good afternoon. We will continue and hopefully
4 finish the questioning of Witness 42 this afternoon.

5 MR HAYNES: I am confident that we will.

6 PRESIDING JUDGE STEINER: Could, please, the court usher bring the witness in.

7 (The witness enters the courtroom)

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

9 (Open session at 2.38 p.m.)

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

11 PRESIDING JUDGE STEINER: Thank you very much. Welcome back to the
12 courtroom, Mr Witness.

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

14 PRESIDING JUDGE STEINER: Did you have lunch and take some rest?

15 THE WITNESS: (Interpretation) Yes, I had a good lunch and I had a good rest also.

16 PRESIDING JUDGE STEINER: Can we continue with your questioning by the
17 Defence?

18 THE WITNESS: (Interpretation) Yes, we can continue.

19 PRESIDING JUDGE STEINER: Mr Haynes, you have the floor.

20 MR HAYNES: Thank you, Madam President.

21 Q. Sir, welcome back and I think I can comfort you that your questioning by me
22 will finish very shortly. I hope that makes you feel a little happier.

23 A. I fully understand, counsel.

24 Q. Thank you. Do you remember that before we went for lunch we were talking
25 about what happened at your neighbour's house?

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1 A. Yes, I remember.

2 Q. I did ask you, but I don't think you told me, when did that -- those things
3 happen at your neighbour's house?

4 A. I said that the events took place in my neighbour's house some time after what
5 had happened to me, but I cannot remember the precise date.

6 Q. Okay, thank you very much. And when the events were going on, could you
7 hear anything coming from your neighbour's house?

8 A. What I heard about my neighbour is that they went to his house and beat him
9 up and brutalised him. That is all I heard.

10 Q. I am not asking what people told you. Did you hear noises coming from your
11 neighbour's house when the events were occurring?

12 A. I said they did not start brutalising him outside, as had been the case with me.
13 In his case, everything happened inside the house. It is only afterwards that he came
14 and told me that he himself had been subjected to the same brutality. It is not like in
15 my case, where they started brutalising me outside before making me go inside.

16 Q. Thank you very much. Did you hear any gunfire coming from next door?

17 A. As you know, we are here to tell the truth before the Judges and before God. I
18 did not hear any gunshots. Instead it was in my house that there were gunshots, but
19 I did not hear any gunfire from his compound.

20 Q. Thank you. Did your neighbour tell you what had happened to him the same
21 day that it happened, or later?

22 A. As you know, after the line -- or, rather, (Redacted)
23 (Redacted), and even the lady in question was also living near his house.
24 After what they did, they returned to their base. It was only afterwards, during our
25 conversation, that he told me what had happened. I saw what happened in his place,

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1 but it was not up to me to go and ask him questions. He was the one who came and
2 explained to me what had happened.

3 Q. Did he tell you that he had seen what had happened at your place?

4 A. The events in my compound were very flagrant. They happened in broad
5 daylight, in front of everyone. There were gunshots and explosions everywhere.
6 He was a witness. He was there and he saw what happened in my compound.

7 Q. And was he able to tell you that it was the same soldiers that came to his house
8 that had come to your house?

9 A. We did not discuss the soldiers that had come to my place. He did not tell me
10 that it was the same soldiers who had gone to do the same things to him, because the
11 events did not -- those soldiers did not bear numbers, such as 1, 2, 3 or 4, for us to
12 know that it was the same ones. We simply conversed, and he told me that the
13 Banyamulengues came to his house and beat him up and looted his property. He
14 could not tell me that it was one person or the other.

15 Q. Very well. Did he tell you that his daughter was raped?

16 A. Yes, that is what he said during our conversation. He told me that. Yes, since
17 he told me about it, I mentioned it in my statement.

18 Q. Have you only discussed these events once with your neighbour since
19 November 2002?

20 A. This was an important and public event. It was normal for us to talk about it.
21 Even after the withdrawal of the Banyamulengue, the Central African people
22 discussed what the Banyamulengue had been doing. And those of us who were
23 directly concerned with the events, how do you think we could not have discussed it
24 amongst us, counsel?

25 MR HAYNES: Thank you very much. Can we go very briefly into private session,

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1 your Honour?

2 PRESIDING JUDGE STEINER: Of course. Court officer, please.

3 *(Private session at 2.50 p.m.) Reclassified as Open session

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

5 MR HAYNES:

6 Q. Sir, we are in private session now, so you can feel comfortable to talk about
7 people by name. You've told us about an officer called (Redacted), do you remember
8 that?

9 A. You are talking about an officer named (Redacted). Are you referring to the
10 loyalist officers or to the Banyamulengue?

11 Q. The Banyamulengue.

12 A. I said that the (Redacted) in question was the commander supervising the troops
13 (Redacted). There were two of them near the (Redacted)
14 (Redacted). They regularly went to (Redacted)
15 (Redacted). They went regularly there and, since those people frequented
16 that house belonging to (Redacted), it was only normal that (Redacted).

17 Q. Did you speak to him?

18 A. There was never any contact between that officer and myself. He spoke
19 neither French, nor Sango, so how could I have been in contact with him and for what
20 purpose?

21 Q. Who told you what his name was?

22 A. The soldiers that were (Redacted) spoke about it; and in particular,
23 when he came to (Redacted), that is how he was referred to. And those of us
24 peasants visited each other; sometimes (Redacted) came to my house and spoke with me.
25 And when she was at my house and she saw (Redacted) coming, she would say,

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1 "Ah, look, that is a (Redacted) who is coming to disturb me again." That is how I came
2 to know that he was referred to as that and everyone referred to him as (Redacted).

3 Q. Thank you very much. How did he dress?

4 A. He was wearing a normal uniform. He had the shirt, the trousers and Rangers.
5 That is how he dressed. He had a normal uniform.

6 Q. Did you ever see him wearing anything around his head?

7 A. When I saw him, he was not wearing anything on his head.

8 Q. What did you understand his position to be?

9 A. In my opinion, his job was to supervise the soldiers (Redacted),
10 because he was the one who issued orders to them and, given the way he was
11 behaving, one could understand that he was the leader.

12 Q. Do you think it's possible you might have misheard his name?

13 A. Are you referring to that name (Redacted)?

14 Q. Yes. I'm going to suggest to you it's possible his name was (Redacted). Do you
15 think that's possible?

16 A. Names such as (Redacted) and (Redacted), or (Redacted), I heard all those names, but
17 the name that I heard the most was (Redacted) and (Redacted). It is true that everyone had
18 a nickname that they were referred to, and they used those names to carry out their
19 evil activities.

20 MR HAYNES: Thank you very much, sir. Madam President, we can go back into
21 open session now.

22 PRESIDING JUDGE STEINER: Court officer, please.

23 (Open session at 2.58 p.m.)

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

25 MR HAYNES:

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1 Q. When you were giving evidence earlier - and this is the transcript of
2 17 February - you said about the attack upon you, "If my memory serves, I think that
3 the events took place on a Saturday; the last Saturday of the month of November." Is
4 that still your recollection?

5 A. Yes, I confirm that, because the next day must have been a Sunday. And I
6 remember well that it was the last Saturday of the month of November; although, I no
7 longer remember the precise date.

8 Q. Thank you. And Mr Bemba visited PK12 in the month of November as well,
9 didn't he?

10 A. That's right.

11 Q. And was that before or after the events which took place at your house?

12 A. I think that I said here that he came after the events that I experienced.

13 Q. Thank you very much. You talked about a radio broadcast by somebody
14 called Carine Franck. Did that also occur in the month of November?

15 A. The month of November was the crucial period of these events.

16 Q. Thank you. So it your recollection then that Mr Bemba visited some time in the
17 month of November, but after the last Saturday of the month; is that correct?

18 A. I told you that he came after the events which took place at my home. That's
19 what I said.

20 Q. Thank you very much.

21 A. I did not give a date.

22 Q. No, but if it was in November, it was a maximum of seven days after what had
23 happened to you, wasn't it?

24 A. I haven't understood your question very well.

25 MR HAYNES: It's okay. I'm going to move on. Could we briefly put into eCourt

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1 Defence document number 3 and the page I would like to look at is 0824 at the top.

2 Q. Sir, I would like to thank you for all the help you have given in reading these
3 passages out during your examination. I'm going to ask you to do it just one more
4 time. Can you see the word "précision"?

5 A. Yes, I can see it.

6 Q. Would you be so kind as to read out slowly the paragraph that follows that
7 word?

8 A. I see the word "précision." I don't see the word "clarification". Now I see it.
9 It's all right.

10 PRESIDING JUDGE STEINER: Mr Witness, I think the Defence counsel is asking
11 you to read after the word "précision."

12 THE WITNESS: (Interpretation) Yes, I can see it: "When Bemba's troops arrived,
13 the chief of PK12 fled. He was on the run somewhere, but it was (Redacted)
14 (Redacted), it was he alone who took his courage into his hands and stayed in the area,
15 because the chief had fled during these events. And even where there were bodies
16 lying on the ground, he was the one who looked after them and buried them. Even
17 he knew certain mass graves in which the bodies had been put.

18 MR HAYNES:

19 Q. Thank you for doing that. Is that correct, that the chief departed when the
20 Banyamulengue arrived, and please don't mention his name because we are in open
21 session?

22 A. I am a local person from that area. When we came here to the Court, we took
23 an oath. We swore an oath to say the truth and what I am telling you is nothing but
24 the truth. At that time, the district chief was not there. He had already left because
25 of the danger. He had left and he left his (Redacted) behind. That is the person who

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1 stayed and he is the person who was responsible for visiting all of the people who
2 had had the courage to stay. That (Redacted) has a lot of information concerning what
3 happened. He knew a lot about the Banyamulengue. He knew the number of
4 deaths, who had died. He is the person who buried them.

5 Q. Thank you. And did the chief leave with his wife and family?

6 A. What's your family? Your wife? Your children? If you have no children,
7 your wife is a member of your family. If he fled, no doubt it would have been with
8 his wife.

9 Q. Thank you. And (Redacted)

10 (Redacted) in private session a few days ago; is that correct?

11 A. Yes. Yes, indeed.

12 Q. Thank you. I just want to talk at the very end now, please, about the assistant.
13 Do you understand?

14 A. Yes, I understand.

15 Q. Please listen very carefully to this question. I believe that you have spoken to
16 the assistant (Redacted), but we all agree here that it was not
17 possible for you to have spoken to him at (Redacted). So where did
18 you speak to him; how and when?

19 PRESIDING JUDGE STEINER: Ms Kneuer?

20 MS KNEUER: Madam President, I don't think this is a fair question to the witness.
21 In particular, it is argumentative.

22 PRESIDING JUDGE STEINER: You could rephrase your question, Mr Haynes.

23 MR HAYNES: I am prepared to argue this. I think it is a perfectly fair question.

24 We are almost in an agreed -- we are in an agreed position about the state of the
25 information relating to this and I am trying to avoid compromising procedures before

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1 the Court by putting it simply.

2 PRESIDING JUDGE STEINER: If you say to the witness that you believe that he has
3 spoken since he gave evidence, it's your belief, so you can rephrase at least this part of
4 the questioning.

5 MR HAYNES: Very well.

6 Q. We all agree that it is impossible that you met the assistant at (Redacted)
7 (Redacted), so where have you spoken to him since he gave evidence to this Court?

8 A. I believe that I have said that (Redacted) both called. The Judges
9 called him and called me. Before he came to The Hague, he was preparing. I too
10 was preparing. On (Redacted), he called me to tell me that he was
11 travelling and I knew where he was travelling to, and I was waiting my turn as well,
12 because I had already been told that I was to go to the Court in February. And,
13 indeed, in February I received a telephone call telling me to get ready. We are
14 almost neighbours. Sometimes I ask him how far the procedure has gone, but
15 because I didn't see him before I came here I knew that he was still here.
16 I have said that our encounter was a pure coincidence. When we were waiting for
17 the flight to come here, he was leaving The Hague to go to the Central African
18 Republic, and it was in the airport hall, because he had to spend the night. We
19 crossed paths in the airport hall as we were walking through it, looking for where to
20 pay, but I didn't ask him what he said here. He had things to tell the Court. I, too,
21 had things to tell the Court. It's not a secret.

22 MR HAYNES: Thank you very much, Mr Witness. Sir, I have no further questions
23 for you.

24 (Trial Chamber confers)

25 PRESIDING JUDGE STEINER: Mr Haynes, did I understand that you've finished?

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1 MR HAYNES: Your Honour, yes.

2 PRESIDING JUDGE STEINER: Well, then, I ask whether the Prosecution wants to
3 re-direct?

4 MS KNEUER: Madam President, I ask for five minutes to consult with my team,
5 please.

6 PRESIDING JUDGE STEINER: Five minutes?

7 (Prosecution counsel confer)

8 PRESIDING JUDGE STEINER: Sorry. Ms Kneuer.

9 MS KNEUER: Madam President, your Honours, the Prosecution does not have any
10 further questions. Thank you.

11 PRESIDING JUDGE STEINER: Mr Witness, this concludes your evidence before this
12 Court. Before you leave the Court, the Chamber would like to express the thanks of
13 the Judges and of the Court for the time and trouble that you have taken to come to
14 this country to give evidence in this trial.

15 In order for the Judges to find the truth, it's critical that witnesses, such as yourself,
16 are prepared to give evidence to assist us on the relevant issues of the case. We are
17 aware that this will certainly have been inconvenient for you, you stayed here in this
18 country for more than a week, far from your family, and possibly it may have
19 involved even some personal risk.

20 So the Chamber thanks you very much for your cooperation with the Court and,
21 before you leave the Court, the Judges want to ask you whether there is anything you
22 would like to tell us?

23 THE WITNESS: (Interpretation) Thank you, Madam President. I was very
24 pleased to come here and take the floor before this international jurisdiction, the
25 International Criminal Court.

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1 We did not believe that justice would be done, we believed that the atrocities would
2 go unpunished, and so it was a great joy to us to see that the Prosecutor had sent
3 investigators to Bangui to shed light on the events that had taken place.
4 There were things that remained -- weighed heavy on my conscience and there were a
5 lot of things I had to say. I came here with the intention of saying them. If I had
6 not been able to do so, I would have gone home very frustrated. Luckily, I was able
7 to say everything I had to say.
8 I wish the best of luck to the Court and I would like to express the wish that the
9 Court's activities continue with the objective of ending impunity, because nobody is
10 above the law. Treating human beings like animals, killing them, abusing them, is
11 not good.
12 The second thing that I wanted to say here concerns my sight, my vision. Somebody
13 who cannot see is like somebody who is dead, somebody who is handicapped.
14 Somebody who has eyes to see is -- somebody who does not have eyes to see is better
15 than someone who is physically disabled, but they cannot see. What can the Court
16 do for me in this situation? That is something that I would like to ask the Judges.
17 PRESIDING JUDGE STEINER: Mr Witness, we are going to put you in contact with
18 someone from the Victims and Witnesses Unit, VWU, and this person will be able to
19 understand your problem and to tell you exactly what the Court can do and what the
20 Court cannot. I promise you that, before you leave The Netherlands, someone
21 from VWU will sit with you and discuss your problem to see whether there is
22 anything the Court can do for you.
23 We hope you have a nice trip back to your home country, that you find your family
24 very well, your son recovered. And, once again, thank you very much for coming
25 here to give evidence before this Court.

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1 Court officer, please, we are going to turn into closed session in order for the witness
2 to be taken outside the courtroom.

3 *(Closed session at 3.24 p.m.) Reclassified as Open session

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

5 (The witness is excused)

6 PRESIDING JUDGE STEINER: I'm informed the Defence would like to raise an
7 issue. I ask whether it has to be in closed session or we can open the session?

8 MR HAYNES: I think it can be done in open session, so perhaps we could go to
9 open session.

10 PRESIDING JUDGE STEINER: Court officer, please let's turn into open session.

11 (Open session at 3.26 p.m.)

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

13 PRESIDING JUDGE STEINER: Thank you. I'm informed the Defence would like to
14 raise an issue and so the Defence has the floor.

15 MR HAYNES: I'm very grateful, Madam President. This should only take five
16 minutes of your time.

17 The events of the last few days, during the evidence of the last witness, has caused the
18 Defence to turn to Article 70 of the Statute and Rules 165, 166 and 169 of the Rules of
19 Procedure and Evidence. Of course, we are all in this courtroom creatures of the
20 Statutes and Rules, and the first thing that is apparent in looking at that Article and
21 those Rules is that the function of commencing investigations is exclusively the
22 purview of the Prosecutor and the power to issue such implements as warrants of
23 arrest exclusively the jurisdiction of the Court.

24 No submission that I make today is intended to be to the effect that what we have
25 seen here in the last few days necessarily amounts to the commission of an offence

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1 under Article 70, in particular of giving false testimony, but the position we are now
2 in in our submission is unsatisfactory and there is at least sufficient material in the
3 possession of the Prosecutor and before all the parties here for an investigation
4 properly to be initiated.

5 It is particularly poignant, we submit, in this set of circumstances where the proof of
6 an act of giving false testimony would have a far more compelling effect upon any
7 review of the evidence at the end of the case. That is really all I propose to say.

8 I invite those in whom the power and responsibility is invested to initiate such
9 investigations to seriously consider doing so and those who have, as your Honour does,
10 the persuasive powers of direction or encouragement to seriously consider doing that
11 as well. That is all I propose to say on the subject.

12 PRESIDING JUDGE STEINER: Mr Haynes, I think the Chamber, Prosecution,
13 participants, we all will be waiting for your filing on this respect, touching upon the
14 points in which the Defence bases its being convinced that there has been false
15 testimony.

16 So the Court, as a whole, would benefit if the Defence provides the Chamber, the
17 Prosecution and the participants with a substantiated filing and allegations of false
18 testimony. And once the Defence does so, the Chamber, the Prosecutor and all
19 persons involved will certainly pay attention to the Defence allegations.

20 MR HAYNES: Your Honour, I thank you as ever for your helpful suggestion. We
21 will take that on board and act accordingly.

22 PRESIDING JUDGE STEINER: Does the Prosecution have something to add?

23 MS KNEUER: No, Madam President. We will wait for the filing, as Madam
24 President has suggested.

25 PRESIDING JUDGE STEINER: Is there anything else that the legal representatives

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1 would like to add?

2 MR ZARAMBAUD: (Interpretation) Your Honour, I have absolutely nothing to
3 say in this regard. You seem to have suggested a very reasonable course of action
4 and, in the fullness of time, we will come to an opinion on what the Defence has been
5 saying. Thank you.

6 PRESIDING JUDGE STEINER: Since the Defence has always the right to be the last
7 one to take the floor, I ask whether the Defence wants to add anything?

8 MR HAYNES: No. Just thanks to everybody for their patience during my
9 examination of this last witness.

10 PRESIDING JUDGE STEINER: Just for the record, it took more than 13 hours.

11 MR HAYNES: It felt a lot longer.

12 PRESIDING JUDGE STEINER: So I would like to thank very much the Prosecution
13 team, the legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba
14 Gombo, our interpreters and court reporters, wishing all of you a very nice weekend,
15 a restful weekend.

16 Before we adjourn, I have only a short oral decision that I should have issued before
17 the compliments. It's the decision on the Application of Legal Representatives to
18 question Witness 73.

19 On 7 February 2011, the Chamber received an application from Maître Zarambaud on
20 behalf of the victims that he represents to question Witness 73. This is filing 1193.

21 The application contains a list of nine questions.

22 On the same day, Maître Douzima made a similar application on behalf of the victims
23 that she represents, filing 1192. This application contains, as well, a list of nine areas
24 on which Maître Douzima wishes to question the witness.

25 Having considered the reasons given by the legal representatives as to why the

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1 respective personal interests of the victims that they represent are affected, the
2 Chamber allows both legal representatives to ask Witness 73 the questions contained
3 in their individual filings.
4 Having said that, we are going to adjourn this hearing and we will resume on
5 Monday morning, at 9.30 in the morning, with the questioning of Witness 73 starting
6 as always by the Prosecution. This hearing is adjourned.

7 THE COURT USHER: All rise.

8 (The hearing ends at 3.35 p.m.)

9 CORRECTIONS REPORT

10 The Court Interpretation and Translation Section has made the following corrections
11 in the transcript:

12 * Page 16 lines 10 to 11:

13 "(Redacted), the one who were beating me up " is corrected
14 by "(Redacted), the ones who were looting my house and
15 beating me up"

16 * Page 22 line 1 to 2:

17 "They dragged him, dragged him to the main road during these events " is corrected
18 by "He was struggling and struggling, but they dragged him, they dragged him to the
19 main road during these events."

20 RECLASSIFICATION REPORT

21 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
22 ICC-01/05-01/08-3038 and the instructions in the email dated 21 October 2013, the
23 version of the transcript with its redactions becomes Public.