

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0073

1 International Criminal Court

2 Trial Chamber III - Courtroom 2

3 Situation: Central African Republic

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

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki

6 Trial Hearing

7 Monday, 21 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 in

12 open session.

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

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

15 Prosecutor v Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.

16 PRESIDING JUDGE STEINER: Thank you very much. So I would like to welcome

17 Prosecution's team -- this room is not really -- the legal representative of victims, the

18 Defence team, Mr Jean-Pierre Bemba Gombo, our interpreters that are behind us, and

19 court reporters. So we are starting today with testimony of Witness 73 and for that

20 purpose I ask, please, the court officer to turn the courtroom - turn into closed session in

21 order for the witness to be brought into the courtroom.

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

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

24 (The witness enters the courtroom)

25 WITNESS: CAR-OTP-PPPP-0073

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1 (The witness speaks Sango)

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

3 (Open session at 9.42 a.m.)

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

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

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

7 PRESIDING JUDGE STEINER: Mr Witness, welcome to this Court. You are going to
8 give your testimony before this Court.

9 THE WITNESS: (Interpretation) That is understood.

10 PRESIDING JUDGE STEINER: In order to start your testimony, Mr Witness, the court
11 officer will help you in taking the oath. He is going to read out the words of the oath and
12 we ask you, please, to repeat.

13 THE COURT OFFICER: Yes, Madam President. "I solemnly declare that I will speak
14 the truth, the whole truth and nothing but the truth."

15 THE WITNESS: (Interpretation) I solemnly declare that I will speak the truth, the
16 whole truth and nothing but the truth.

17 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. Mr Witness, as you
18 will have had explained to you by the Victims and Witnesses Unit staff during your
19 familiarisation process since arriving in The Hague, you will be questioned by the
20 Prosecutor, then by legal representatives of victims and finally by the Defence.

21 As you know, the Chamber has put in place some measures to protect your identity from
22 the public, and so you will be referred to during the course of your testimony as "Witness
23 73," or as "Witness," or "Mr Witness," or "Sir." Nobody is going to mention your name.
24 Your voice and also your image that is broadcast outside the courtroom will be distorted
25 so that you cannot be identified by the public. The public is not seeing your face and

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1 cannot identify you by your voice.

2 Finally, sir, because we speak different languages, there is interpretation so that we can
3 understand each other. Because of this it's important that you speak slower than normal,
4 as I am doing now, in order to allow the interpreters to do their job. Because this can be
5 seen as unnatural, it may be that you start speeding up and I will have to interrupt you
6 and to remind you to slow down again. It is purely for practical purposes and should
7 not discourage you from speaking. Do you understand that, Mr Witness?

8 THE WITNESS: (Interpretation) I have understood you perfectly well.

9 PRESIDING JUDGE STEINER: Thank you, sir. I have to put you some questions now
10 before you start giving your testimony. You have taken the oath. Can I confirm that
11 you understand what the oath means?

12 THE WITNESS: (Interpretation) Yes, I have fully understood.

13 PRESIDING JUDGE STEINER: Do you understand that you must give answers to
14 questions asked of you that are true and accurate to the best of your knowledge and
15 belief?

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

17 PRESIDING JUDGE STEINER: After your arrival to The Hague, have you been given
18 the opportunity to read, or have read to you, the statement or statements that you made to
19 the Court?

20 THE WITNESS: (Interpretation) After my arrival, my statements were handed over to
21 me. I read through them from the beginning to the end. So that was the day following
22 my arrival and I read all the statements.

23 PRESIDING JUDGE STEINER: At the time when you made the statement, or statements,
24 did you do so voluntarily?

25 THE WITNESS: (Interpretation) What are you referring to?

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1 PRESIDING JUDGE STEINER: The statement or statements that you gave to the
2 Prosecution during the investigation, did you do it voluntarily?

3 THE WITNESS: (Interpretation) When the investigators arrived in the country, what I
4 told them was the truth.

5 PRESIDING JUDGE STEINER: And you did it voluntarily, by your own will, or were
6 you forced to give your testimony -- to give statements to the Prosecution?

7 THE WITNESS: (Interpretation) It is not possible for me to be forced to say something.
8 What I'm saying is that all those who came to the field came there to seek information
9 about what happened to us, so I was not forced. I myself gave those statements
10 voluntarily.

11 PRESIDING JUDGE STEINER: Thank you, Mr Witness. My last question is just to
12 confirm with you that the information that you provided in your statement, or statements,
13 is it true and accurate to the best of your knowledge and understanding?

14 THE WITNESS: (Interpretation) Yes, those statements are true and correct. I was not
15 somewhere else for someone else to be able to provide that information to me. I was
16 personally present and I witnessed what happened. That is why I gave that account to
17 the investigators.

18 PRESIDING JUDGE STEINER: Thank you very much, sir. The last reminder, Witness.
19 As I said, you are under protective measures but, in order to protect you and your family
20 members, it is important that during public sessions you don't mention names of family
21 members, neighbours, nor information that can lead to your identification. If need be,
22 we go into private session. In private session you can speak freely, because nobody
23 outside the courtroom can hear you. So in public session please help us to help you in
24 your safety and of your family members. Do you understand that, Mr Witness?

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

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1 PRESIDING JUDGE STEINER: Thank you very much. And now the Prosecution will
2 start questioning you. Mr Mourad.

3 MR MOURAD: Thank you very much, Madam President. Thank you very much, your
4 Honours.

5 QUESTIONED BY MR MOURAD:

6 Q. Mr Witness, good morning.

7 A. Good morning, Mr Prosecutor.

8 Q. My name is Hesham Mourad and I represent the Prosecution. I would like --

9 A. I understand.

10 Q. I would like first to thank you very much for your presence with us today and your
11 cooperation with the Court.

12 A. Thank you.

13 Q. I would like to confirm that you don't have any trouble hearing me through
14 translation and understanding what I'm saying to you?

15 A. I can understand you perfectly.

16 Q. Before I start with my questioning to you, I would like to inform you that I will be
17 asking you different kinds of questions that may include specific questions about how did
18 you -- to elicit the basis of your knowledge; questions like "When?", "Why?" and "How do
19 you know?" Please don't take offence if my questions sound repetitive to you, or if I ask
20 about the basis of your knowledge. It's very important for the Court to understand not
21 only the knowledge of the facts, but the details of this knowledge as well as the basis of
22 your information. Do you understand me, sir?

23 A. Yes, I understand you.

24 Q. During my examination, if you didn't understand a question of mine, if I didn't
25 make myself clear, if you didn't hear properly my question, please ask me to repeat my

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1 questions or rephrase them. Is that acceptable to you, sir?

2 A. Yes, that is agreeable to me.

3 THE INTERPRETER: From the Sango booth, can the witness be asked to observe a five
4 second pause.

5 MR MOURAD:

6 Q. Mr Witness, we just received a message from the interpreters. They would like you
7 to wait, after I've finished my questions, for five seconds so they would be able to
8 translate and interpret what has been said.

9 A. All right.

10 Q. Thank you. If you don't remember an answer to one of my questions, or if you
11 don't know the answer to one of my questions, please say so. It's fine if there are some
12 things that you don't remember or you --

13 A. (No interpretation)

14 Q. And, sir, I will remind myself and remind you not to overlap our conversation, so
15 we have to wait for each other 'til we've finished what we're saying so we can respond
16 back. And the rule here is just a practical one, just wait for five seconds from the
17 last -- when I finish my last sentence.

18 A. I understand.

19 Q. Thank you very much. And, as Madam President reminded you, at any time if you
20 want a break please say so.

21 MR MOURAD: Madam President, may we please turn into private session to elicit the
22 identifying information of the witness?

23 PRESIDING JUDGE STEINER: Court officer, please, let's turn into private session.

24 *(Private session at 10.03 a.m.) Reclassified as Open session

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

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1 MR MOURAD:

2 Q. Mr Witness, we are now in private session, so please feel free to mention any names

3 I ask you to mention or any other information that may identify you because only people

4 inside the courtroom can hear you now. Sir, what's your name?

5 A. My name is (Redacted).

6 Q. Where were you born?

7 A. I was born in (Redacted), at (Redacted) in particular.

8 Q. Which country is this?

9 A. I was born in the locality called (Redacted), a small locality in (Redacted) called (Redacted).

10 Q. Sir, what's your nationality?

11 A. I am from the Central African Republic.

12 Q. And is this the country in which you were born?

13 A. Yes, I was born in the Central African Republic.

14 Q. What is the date of your birth, if you remember?

15 A. I was born in (Redacted).

16 Q. Sir, what's your ethnic origin?

17 A. I am from the (Redacted) ethnic group.

18 Q. Sir, regarding your date of birth, I have in the record that you were born around

19 (Redacted) and today you told us you were born in (Redacted). Which date is accurate?

20 A. The reason for this, well -- well, I was born in (Redacted). That has been recorded and

21 this is what I say. My first birth certificate, which was established at home -- well, after

22 what happened to us, all official documents were lost, and disseminated, and so I didn't

23 know what to do.

24 And as a result, I went to try and get a new birth certificate from the town hall. And

25 when I got there, I was asked for the former birth certificate. I told them that all

1 documents had been lost, and so I paid for a new birth certificate to be drafted; and the
2 document I handed over to them was my professional card. On that card, it is stated that
3 I was born in (Redacted).

4 After having provided all the necessary documents, the people in charge of issuing
5 this -- and, you know, they are trainees, trainees are the ones who write this down. So
6 after three days, I got the document - I didn't unfortunately check it - and when I got back
7 home, I realised that there was a difference.

8 You know, well, to go back and ask again for a correction would have required a lot of
9 money to be paid. Why didn't I do that? Well, it was necessary to establish or to carry
10 out certain administrative procedures for my retirement, for my pension, and in actual fact
11 I was born in (Redacted). That's the truth. The year (Redacted) that was written there is a
12 serious error.

13 Q. Thank you very much, sir. What's your marital status?

14 A. I was never married officially with my companion.

15 Q. Do you still live with your companion?

16 A. Right now, we are no longer together because (Redacted)
17 (Redacted), and I now live only with my children.

18 Q. Thank you. What's the name of your companion, sir?

19 A. She (Redacted).

20 Q. Sir, how many children do you have?

21 A. I have (Redacted) children.

22 Q. What languages do you speak?

23 A. I speak Sango, and I also speak French.

24 Q. Can you read and write those languages?

25 A. I can read and write in those languages.

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1 Q. Sir, what's your current occupation?

2 A. I am presently retired.

3 Q. And before that, what was your occupation before retirement?

4 A. Before I went into retirement, I was working on (Redacted).

5 Sir, where do you currently live? And please give us the name of the town but not the
6 specific address.

7 A. I live in Bangui.

8 Q. Sir, during the period from October 2002 until March 2003, where were you living?

9 A. From 2002 to 2003, as you said, I lived in PK12.

10 MR MOURAD: Thank you very much. Madam President, may we turn back into open
11 session?

12 PRESIDING JUDGE STEINER: Court officer, please. And Mr Mourad, please explain
13 to the witness before asking that we are in public session.

14 MR MOURAD: Certainly, your Honour.

15 (Open session at 10.16 a.m.)

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

17 MR MOURAD:

18 Q. Mr Witness, now we are in public session so people outside the courtroom can hear
19 you, so please don't mention names or identification that may identify you or other
20 witnesses or victims. Is that understood, sir?

21 A. Yes, I've understood you.

22 Q. Thank you very much. Now I may ask you about certain names of public figures.
23 There's no harm in mentioning those names. My first question to you: Who's the
24 current President of the Central African Republic?

25 A. Currently, the President of the Central African Republic is Francois Bozizé.

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1 Q. When did he come to power?

2 A. He came to power on 15 March 2003.

3 Q. And how did he come to power?

4 A. Well, the question that you have just asked me is a most welcome one. I think it is
5 important to answer this question. The question was: How did he come to power?
6 That's a good thing. When he came to power, I was not elsewhere; I was still in PK12.
7 When he came that day to take control, well, it was between 12 noon and when the sun
8 sets. We could hear explosions coming from the road to Boali. There were -- the people
9 were outside. Everybody was rejoicing, and we who were further away in the
10 neighbourhood, we could hear the shouting and we came out along the road, and when
11 we asked the question about what was going on, we were told that Bozizé had taken
12 power and that he was president. And the whole population was rejoicing. Nobody
13 was running away. Everybody was dancing. And that is when we realised that Bozizé
14 really had taken over power.

15 Q. And how did he take power? Was it a peaceful transition of power or otherwise?

16 A. When he came to power, well, it was not by an election process. Let me tell you
17 that when he came on 15 March, he was welcomed with open arms. The population was
18 rejoicing. How did he get into power? Well, well before that, he lived in PK12, and
19 when he was still Chief of Staff, that was the time when he was still at PK12 but
20 sometime - I don't know what happened to him - but in any case, we were living at PK12
21 at the same time, and at a given point in time we realised that the population was
22 beginning to flee, to run away in all directions, so we wondered what had been
23 happening.

24 We were told that some people had come to confront Bozizé, soldiers had come from the
25 centre of town and they were trying to get hold of Bozizé, and on that day there were

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1 shots all over the place. There were explosions coming from the centre of town, the
2 centre of Bangui, and you could see bullets flying. And when there were very rapid
3 shots in succession, he believed that it was right to withdraw. That is when he fled, and
4 when he fled, I was there.
5 He took the road to Damara. Because there is an intersection at PK12, there is a road that
6 goes to Damara, another one that goes to Mongbwalu, and he took the Damara road. As
7 he was fleeing, two or three vehicles followed him. These vehicles were full. We
8 learned that the soldiers that had come from the centre of town were so numerous that it
9 was not possible to withstand them, and that is why he preferred to flee. Once he had
10 fled, well, we didn't know where, what his whereabouts were.
11 Quite a long time after that, when he withdrew, he didn't return to Bangui for the purpose
12 of fighting. He withdrew completely to the provinces. As I said earlier on, there were
13 people in the vehicles that were following him and, you know, they were young men,
14 young men at PK12, and these young men were happy. They thought, well, we'll follow
15 Bozizé; we'll follow him. And on that day there were volunteers, people who were not
16 recruits. Bozizé wasn't the one who recruited them, that's what I mean, but they decided
17 of their own accord to use those vehicles, to get into them and follow Bozizé. They
18 stayed in the bush for a long time and he didn't come back to Bangui.
19 You know, it's difficult for me to remember or to talk about these events with accuracy in
20 terms of dates, because I cannot remember the minute detail, but I do remember the key
21 dates. A little time after that, the young men who had followed him came back to PK12
22 and people wondered who they were. We learned that they were the very same ones as
23 those who followed him.

24 Q. Sir, what the nationality of those soldiers who followed Mr Bozizé?

25 A. They came from the Central African Republic. They were not foreigners. Bozizé

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1 didn't use foreigners or other people to follow him. These were the sons of the land, the
2 young men of the land. They grouped together and decided to follow him.

3 Q. And sir, you mentioned that they came back to PK12. Did you see them with your
4 own eyes when they came back?

5 A. Yes, I was there when these young men returned to PK12. It was in the morning,
6 and it was -- on that day, it was raining. At PK12, as you know, there are a lot of people,
7 but the population did not flee. When these young men arrived, they spoke to the
8 people there they knew and told them, "Look, we followed the general into the bush and
9 we are now back." They said that they had returned, and we, ourselves, wondered why
10 they had come back and they said to us that they had come back in two or three vehicles,
11 to try to attack.

12 The population minimised their action and said that they were not enough of them to
13 enter into battle, and they didn't go through the barrier to go into the centre of town.
14 They settled at PK12 and destroyed shops, got drinks from there, got material
15 to -- cigarettes to smoke. This lasted up until the evening, and on that very evening they
16 went away again, taking the road to Damara.

17 Q. Sir, I note that you said you don't remember with sufficient accuracy the dates, but if
18 you can give us an estimation on when Bozizé's men arrived at PK12?

19 A. They arrived -- they arrived between 15/16 October.

20 THE INTERPRETER: "Or between the 15th and 16th of October 2002," repeats the
21 witness.

22 MR MOURAD:

23 Q. And if I understood you correctly, you said they stayed in PK12 for only one day; is
24 that correct?

25 A. When they arrived, they did not spend the night at PK12. As you know, they really

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1 thought about it before returning, but the rest of us did not know what they had come to
2 do. They arrived one morning on board three vehicles parked by the roadside, and it
3 was raining and as I have told you they spent the whole time eating, drinking alcohol and
4 doing other things, and the very same evening they retreated towards the Damara road.

5 Q. Sir, do you recall how they were dressed?

6 A. But they were not dressed in military uniform, because before leaving they were
7 only wearing civilian clothing. They were simply volunteers who followed Bozizé to
8 support him. They were wearing civilian clothes and, even when they arrived, they were
9 wearing civilian clothes and caps.

10 Q. Sir, do you know what language do they speak; and I am talking about Bozizé's
11 men?

12 A. As I have said already, Bozizé's men were sons of the soil. They took their courage
13 in both hands and followed him. They were not enlisted. They were simply volunteers,
14 who followed him, and they were all nationals of the Central African Republic.

15 Q. So what language did they speak?

16 A. I have already said here that they spoke Sango, because they were sons of the soil
17 from the Central African Republic. They came together and decided to go and support
18 Bozizé, so these were Central Africans.

19 Q. Did you learn about their behaviour towards the population?

20 A. The young people who followed François Bozizé did not have any power. They
21 were happy to be supporting him. It was a way of working for them. They were happy,
22 they spoke to everyone they knew and they did not perpetrate any acts of violence against
23 the population.

24 Q. Sir, and who was the president at the time this Bozizé's movement started?

25 A. At that time the forces were not of equal strength, that is why he thought it

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1 advisable to retreat, but the president at the time was Ange-Felix Patassé.

2 Q. And how did Mr Patassé respond to this movement by Mr Bozizé and his soldiers?

3 A. Patassé did not do anything. Patassé did not do anything. What actually
4 happened? The way I saw it, the fighting started in the central town and spread over the
5 Ngola bridge to reach Bozizé's base at PK12. I do not know how the fighting started,
6 who issued the orders to attack. I cannot tell you who gave the order to come and fight
7 him.

8 Q. Were there any foreign forces involved in this fighting?

9 A. Yes, there were soldiers who came from outside of the country. They came to fight
10 against Bozizé. There were Libyans from CEN-SAD. I was present at the time. I went
11 out to the main road to observe what was happening. There were armoured tanks which
12 had crossed over to fight against Bozizé. The foreign troops were Libyans who were
13 members of CEN-SAD.

14 Q. Thank you. I will come back to the Libyans at a later point. I just would like to
15 clarify now if there were other foreign forces besides the Libyans, and I am talking about
16 the whole duration from October 2002 until March 2003?

17 A. During that period, apart from the Libyans there were no other foreign troops, and I
18 am saying that is apart from the Libyans.

19 Q. Sir, how long did the Libyans stay?

20 A. The Libyans were in Bangui. Even when you went to the central town, you would
21 be able to see them. They were just after the motor park, before the university junction.
22 Some were at the airport and others were based where I have told you. They were also
23 positioned at other locations. I believe that they spent approximately more than one year
24 in the Central African Republic. We knew that they were in Bangui, and I believe - that
25 is my personal point of view - that they spent more than one year in Bangui.

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1 Q. Can you tell us which year was that?

2 A. Someone such as myself, if at least I was a policeman or a soldier, if I had had to
3 collaborate with them, because they came to the Central African Republic to work with
4 the forces of law and order, but I was a civilian. I know that they were Libyans. They
5 came from afar. They were soldiers. They left their country, but did they come by
6 plane? I do not know. Personally I cannot tell you with any certainty precisely how
7 long they spent there, but I know that they spent a lot of time there that I can estimate at
8 one year, or maybe even two years. But they were soldiers. How did they arrive? I do
9 not know, I am not a soldier, but I cannot tell you precisely how long they spent in the
10 Central African Republic.

11 Q. Were they in PK12 at any point in time?

12 A. The Libyans did not come to PK12. Seeing that they carried out patrols, like the
13 Barracudas did for example on the Boali road, that would be incorrect. They did not
14 carry out any patrols on Boali road, or up to PK12. They were at their bases and did not
15 carry out any patrols.

16 Q. Sir, do you know how they were dressed, the Libyans?

17 A. As you know, the Libyans' uniforms were different from the uniforms of the FACA
18 forces. The uniforms were very different; they were not similar to those of the FACA
19 forces. Their uniforms were of a different colour.

20 Q. What colour was that, sir?

21 A. It was a dark green colour. They had two uniforms; dark green and there was also
22 a white fatigue, white fatigues. It was not the same colour as the uniforms of the Central
23 African Republic soldiers.

24 Q. And if I understood you correctly, this uniform, was it a military uniform or a
25 civilian uniform?

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1 A. The Libyans were soldiers and they could not, therefore, be wearing civilian clothes.

2 They were wearing military uniforms. However, the colour was different.

3 Q. Sir, do you know what language did the Libyans speak?

4 A. I do not know. I never got close to them to be able to hear the language they were
5 speaking. They were speaking the language of their country, and that depended on how
6 they collaborated with the FACA forces. Maybe some of them tried to speak French, but
7 I believe that they spoke the language of their country.

8 Q. Sir, how can you describe the behaviour of the Libyan troops towards the Central
9 African population?

10 A. The Libyans did not go on patrols, so they did not associate with the population.
11 No one ever heard that the Libyans went into the neighbourhoods and carried out acts of
12 violence, or that they beat up anyone or attacked anyone. The Libyans never did any of
13 that.

14 Q. Sir, during the period from October 2002 'til March 2003, during the fighting against
15 Mr Bozizé's soldiers, were there any abuses committed against the civilian population in
16 your country?

17 A. Thank you for the question. Between October 2002 to March -- and March 2003, as
18 I have already said, since you asked me a question about the Libyans, I told you that the
19 Libyans did not commit any acts of violence. There were never any complaints about the
20 behaviour of the Libyans.

21 However, during that period from October 2002 to March 2003, as far as the Libyans were
22 concerned, there were no incidents. Between October and November there were no
23 problems. After October, during the month of November, we were doing all right - that
24 is, from 1 November right up to 22 November - and then there was another event in the
25 country.

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1 What is it precisely that we observed? Well, those who were in the central town, in
2 Bangui, experienced another event. It happened upon us. On the morning of
3 22 November 2002 some people arrived at the barrier, at PK12. They crossed the barrier,
4 but their behaviour was bizarre.
5 Members of the population went out to the road to see, because they were curious.
6 There were many of them. The young girls of the neighbourhood came and told us that
7 some people had arrived, but they were inspiring fear. I myself then went to the
8 roadside; that is, on the Damara road.
9 Initially, when I saw them, I thought that they were members of the FACA forces jogging,
10 but these people were moving in single file and advancing. I realised that they were not
11 the FACA forces, because if they had been FACAs then we would have recognised some
12 citizens of the Central African Republic.
13 I also realised that their behaviour was different. They were carrying Kalashnikovs.
14 They had caps, they had scarves, batawalis (phon), because they arrived at a church by the
15 roadside, and they took the scarves of the ladies there and tied on the barrels of their
16 guns.
17 Some were wearing Rangers, others were wearing shirts and their clothes were complete
18 different. When I saw that, I told one of my friends that these were rebels. We did not
19 know where they had come from. They continued advancing on the Damara road
20 towards the market. They were speaking neither French nor, Sango. Only Lingala.
21 I quickly understood that they had come from the other side of the river, but how had
22 they arrived there? When they arrived, they took people as hostages by the roadside.
23 They seized their pushcarts, and the items that they had taken on the road were loaded
24 onto the pushcarts. They forced the proprietors of those pushcarts to push the carts filled
25 with the looted goods.

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1 They were in a column marching by the roadside and there were many of them. They
2 were all looking towards the east. We saw the person who had been taken hostage.
3 They took his property and drove that person away. That man said, "You can take the
4 items and give me back my pushcart." They told him that they were not going to give it
5 back to him. That is how it started.
6 We were standing up. There were many people by the roadside. We thought they had
7 come there for something else. There was one of their leaders, and we heard that he was
8 the commander. They referred to him as "Commander Yaka." These people arrived,
9 and one of my friends told me that those people had come from the other side of the river.
10 They stood in line and the commander gave them an instruction. They then spread out
11 into the entire neighbourhood. They deployed in the neighbourhood. There were
12 many of them and there were two soldiers at every house. They did not go anywhere
13 else. They stood in front of your house and then they would ask for tools, machetes, dig
14 up trenches and positioned their weapons in front of the houses.
15 We had not yet found out what was their objective. They asked for water and chairs.
16 We thought that they had come for a specific purpose but, later on, we came to know
17 what their objective was. That is how they came to our neighbourhood. They deployed
18 throughout the entire neighbourhood; others went in the direction of the cattle market.
19 They were everywhere.
20 There was one who dug a trench and positioned his weapon facing Bangui, so we thought
21 there was a problem, and that is why they had taken up those positions. However, they
22 had arrived there for a different objective, but we did not know. They were rebels.
23 They did not wait for the following morning.
24 On the very day that they arrived, they started running after chickens and other animals.
25 They could slaughter at least ten chickens. They took a woman hostage and had her do

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1 their cooking. It is from that time that we started becoming afraid.
2 The Libyans were different. It was only after we were asked questions that other people
3 answered. They told us that there were certainly Zaireans from the other side of the
4 river. They told us that they were Banyamulengues. It was then that we knew.
5 We thought they were there to provide security and protection, but it was for a different
6 objective. They had arrived, they invaded the neighbourhood and positioned their
7 weapons in front of the people's houses. The first thing that they asked for was food,
8 and they started chasing after the chickens and that is how it started. That is the account
9 I have just given you.

10 MR MOURAD: Thank you very much. Madam President, I notice it's time for a break.

11 PRESIDING JUDGE STEINER: Thank you, Mr Mourad. Mr Witness, we are having
12 now a break in order for you to take some rest. It will be a half-an-hour break. It's
13 11 o'clock now. We will be back into the courtroom at 11.30. I'm asking, please, the
14 court officer to turn into closed session in order for the witness to be taken outside the
15 courtroom. In the meantime, we are going to suspend and resume at 11.30.

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

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

18 (The witness stands down)

19 THE COURT OFFICER: All rise.

20 (Recess taken at 11.04 a.m.)

21 *(Upon resuming in closed session at 11.43 a.m.) Reclassified as Open session

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

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

25 (The witness enters the courtroom)

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- 1 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
- 2 (Open session at 11.46 a.m.)
- 3 THE COURT OFFICER: We are in open session, Madam President.
- 4 PRESIDING JUDGE STEINER: Thank you. Mr Witness, welcome back.
- 5 THE WITNESS: (No interpretation)
- 6 PRESIDING JUDGE STEINER: Any problem with interpretation?
- 7 MR LIRISS: (Interpretation) We have no problem with interpretation, just a slight
- 8 technical problem. The transcript disappeared and then returned and I think that's been
- 9 settled, but we have no problem with the sound.
- 10 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. Thank you, interpreters.
- 11 Mr Witness, did you manage to rest a little bit during the break?
- 12 THE WITNESS: (No interpretation)
- 13 THE INTERPRETER: Nothing is coming from the Sango booth to French for the English
- 14 interpretation.
- 15 PRESIDING JUDGE STEINER: So we continue without interpretation from the Sango
- 16 booth to the English. Let's try again.
- 17 Mr Witness, are you ready to continue giving your testimony?
- 18 THE WITNESS: (Interpretation) Yes, I'm ready. I'm here to do that very thing.
- 19 PRESIDING JUDGE STEINER: Thank you very much. Mr Mourad, you have the floor.
- 20 MR MOURAD: Thank you very much, your Honour.
- 21 Q. Mr Witness, welcome back to the courtroom.
- 22 A. Thank you, sir.
- 23 Q. Sir, just before the break you were talking about Zaireans from the other side of the
- 24 river, and for the Court I'm referring to page 23, line 21, in the unedited transcript, English
- 25 version. Sir, which river are you referring to?

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1 A. 1202. Let me correct that, it was the year 2002.

2 MR MOURAD: Madam President, I didn't receive any interpretation. I don't know if
3 that's the case for everybody in the courtroom?

4 PRESIDING JUDGE STEINER: Mr Mourad, you asked, "Which river are you referring
5 to?", and the witness just corrected a date. Could you please repeat the question to the
6 witness. Apparently we are having a problem with the interpretation, but let's try it
7 again.

8 MR MOURAD: Thank you, your Honour. On my part I didn't receive any
9 interpretation, but I will repeat the question.

10 Q. Mr Witness, just before the break you were talking about Zaireans crossing a river.
11 What is the name of this river?

12 A. The name of the river in French is Oubangui, but in Sango it is called Mbale (phon).
13 It is the largest river in the capital city. It's called Bale in Sango. It is the river that
14 separates us from the Republic of Zaire.

15 Q. Thank you. Sir, do you know who sent those troops?

16 A. I cannot know that. I told you earlier on that the soldiers arrived unexpectedly.
17 They suddenly arrived in our area, but in actual fact as far as I know, the way they spoke
18 to one another in Lingala, that is what indicated to me that they came from the other side
19 of the river.

20 Q. Sir, do you know the name of their leader?

21 A. When they reached PK12 they invaded the whole area, but who was their leader?
22 Well, most of them were referred to as common -- "commanders." You didn't hear the
23 words "corporal," or "sergeant". There were many of them that were called
24 "commandant," "commander." When there were orders given, they came from their
25 commander, from their chief.

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1 Q. Do you recall how many commanders were among them in PK12?

2 A. Concerning the commanders what I can say is where I lived there was one
3 commander, but he was not alone. If you look at all the places where they were, there
4 was always a commander there. As far as I know, there were nearly (Redacted) commanders.

5 Q. You mentioned that, "They arrived at the barrier at PK12 and they crossed the
6 barrier," and I'm referring to page 21, line 7 to 9. Which barrier are you referring to, sir?

7 A. I was talking about the barrier of the PK12 brigade. At the police station there's a
8 barrier, which is as it were a control point.

9 Q. From which direction were they coming?

10 A. The soldiers, well, you couldn't say they were coming from Biki, or from some other
11 locality. They were coming from the other side of the river, and they went through the
12 city by foot and reached PK12 so as to go through the checkpoint barricade.

13 Q. Sir, you also mentioned before the break that "They deployed in the neighbourhood.
14 There were many of them and there were two soldiers at every house," and I'm referring
15 to the same transcript, page 22, lines from 23 to 25.

16 Sir, can you describe how did these troops get deployed in PK12?

17 A. As I have already said, they crossed the river to reach our neighbourhood. I was at
18 home, and it was from home that I learned that people had reached our area. As far as
19 I know, they had crossed the river so as to get there. When they reached our
20 neighbourhood, they automatically went to PK12 and, because of the language they were
21 speaking, we understood that they came from the other side of the river.

22 How did I get to know that? Where I live, there were a lot of their fellow countrymen
23 that were there. Some of them worked for the Muslims, some of them worked with
24 pushcarts, and I knew some of these people. So, as soon as they arrived and heard them
25 speaking their language, I immediately realised that they came from the other side of the

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1 river.

2 Q. And where did they stay in PK12?

3 A. At PK12, after crossing the barrier, they took the road to Damara, not the road to
4 Boali, and they were walking in single file. They went right up to the end of the village,
5 and that is when their commander instructed them to deploy themselves in the area.
6 Some went to the east, some to the west. So they deployed throughout the entire area.
7 They did not stay in the area before the barrier. It was only after they crossed the barrier
8 that they started positioning themselves.

9 Q. You mentioned that there were two soldiers at every house. I'm referring to the
10 same transcript, page 22, lines 24 and 25. Which houses are you referring to, sir?

11 A. I was referring to the residential houses. As you know, when they arrived, many
12 people had fled. When the owner of a house left the house, they would immediately
13 come and set up base there. Sometimes they, themselves, would chase away the owner
14 of the house and set up their base in his house.

15 When they seized a house, they would position themselves in front of those houses, two
16 of them in front of each house. Their gun barrels were directed towards Bangui. This
17 means that it was in the direction of their house that they had just seized. So when they
18 chased away the owner of a house, they would take over control of that house and settle
19 in it.

20 Q. Sir, what happened to the belongings of the owners of those houses that the
21 Banyamulengue occupied?

22 A. They were not accused for nothing. The loyalist soldiers could not have acted in
23 that way. When you flee because of the arrival of the rebels -- in fact, the inhabitants
24 who fled abandoned everything in their houses, but unfortunately when they came into
25 those houses it was all over.

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1 They looted the foam mattresses. If the mattress was very large, they will cut it into two.
2 They took utensils, pots, plates, radio sets. They would even loot items from your
3 neighbour and force you to buy those same items from them. That is what they were
4 doing.
5 They took out of the louvres from the windows. They took the plank from the doors and
6 they used those things as firewood. They used the pots and the plates. They looted the
7 houses and left them empty. They took away everything that was valuable in the house
8 and they would force the inhabitants who had not fled to buy the items.
9 If you fled, then it was all over for you; your house would belong to them. They did
10 with it whatever they wanted. They took away everything, and you would be forced to
11 struggle in order to buy everything all over again. That is how they acted.

12 Q. Sir, how did you know about those acts of looting?

13 A. I know. I know. I did not go anywhere. I was present. I asked my children,
14 and specifically my daughters, to flee and go elsewhere, but I was there and I was able to
15 see what was happening. Those people arrived, and we did not know why they had
16 come there but they had come to attack us. They were saying that they had come to live
17 in the field; that is what they were saying.
18 They were armed with firearms and with bladed weapons. They showed no mercy.
19 They forced people to give them what they had, and they carried out their operations
20 from house-to-house. The people who were courageous and had refused to leave were
21 transformed into messengers, into cooks, and so on and so forth. They were compelled
22 to carry out little jobs. But unfortunately for those who had fled, they left their property
23 in their houses and those Banyamulengues took them. That is how they behaved.
24 I think that those people only came there to attack the population. We did not know
25 why they had come, but they came only to attack the population. They did not organise

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1 any meeting with the population to know what was happening. Immediately after their
2 arrival, they started perpetrating acts of violence against the population until they finally
3 left. That is what I personally witnessed.

4 Q. And when did they leave PK12?

5 A. They left PK12 on 15 March. Yes, it was on 15 March, when Bozizé arrived. It
6 was on that day that they left. However, before they left, they brought a large vehicle
7 loaded with machetes and knives that they were sharpening and promising to finish off
8 the population before withdrawing. The inhabitants were living in a situation of fear
9 and terror. They were preparing to do what they intended to do.

10 When we were surprised to learn what was happening, there was widespread rejoicing
11 everywhere. People were shouting, announcing the arrival of Bozizé's men. That is
12 how those criminals withdrew; they ran away, across the hills, and abandoned the knives
13 and machetes. Those who were lucky succeeded in crossing the river, but those who
14 were unlucky and could not cross were killed. That is what happened.

15 Q. Sir, would you please remind the Court when they arrived in PK12?

16 A. How did these people come to PK12? They arrived on 22 November 2002. The
17 22nd of that month in 2002 is when they arrived at the PK12.

18 Q. And from the time of their arrival on 22 November 2002 until the time they departed
19 on 15 March 2003, were there other forces in PK12 beside the Banyamulengue?

20 A. Thank you. During those events at PK12, there were no other forces present on the
21 ground. The national armed forces were not present. There were no FACA forces, no
22 gendarmes or policemen. It is only those who disguised themselves who could dare to
23 approach PK12.

24 However, those who ventured to come to PK12 wearing military uniforms were beaten to
25 death. During those events it was not possible to see the soldiers of our country because

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1 they themselves were living in fear. They were in hiding. They did not have any power.

2 If you look at someone like myself who was maltreated, beaten up, no Central African

3 soldier could intervene because, if they dared to intervene, the Banyamulengues would

4 leave me and then attack him. That is what happened at PK12 during those events.

5 Q. Could you please help us in distinguishing those troops from others? How could

6 you identify them? What are the features that help you to identify them as

7 Banyamulengue?

8 A. They were indeed Banyamulengues, according to what I know. And if I am stating

9 that they were Banyamulengue, it is because even the other people who were living in

10 PK12, and who were doing petty jobs and spoke Lingala, and who worked for the

11 Muslims in order to survive, those people also spoke Lingala. They spoke with the

12 Banyamulengue in Lingala. But if you saw another group of soldiers such as the FACAs,

13 you would hear them speaking either in French or in Sango. But these people came and

14 they were speaking only Lingala. If you go to the Damara road, the Biki road or Boali

15 road, you will not meet anyone who speaks Lingala. Those people crossed the river to

16 come to PK12. That is why they spoke Lingala. Therefore, I confirm that they came

17 from the other side of the river.

18 Q. Sir, before the break you mentioned that they dug up trenches. Can you please

19 assist us with the locations of those trenches in PK12? Where did they dig -- where did

20 they dig these trenches in PK12?

21 A. I have told you that after they had crossed the barrier, they advanced in single file

22 on the Damara road. Their commander instructed them to deploy themselves inside the

23 neighbourhood, in my neighbourhood. I was in my home. So how did they go about

24 digging those trenches? Well, those people asked for machetes and other implements to

25 dig the trenches. Imagine someone digging a trench (Redacted)

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1 (Redacted). The trenches were between 15 and 20
2 centimetres deep and they were dug in the form of graves.
3 They entered the holes and pointed the barrel of their guns towards our houses. It was
4 not possible for us to ask them why they were digging those trenches. It was only
5 afterwards that we started wondering about the purpose of those trenches, and that is
6 how we came to know that the trenches were dug, to enable them to take shelter during
7 the fighting. That is how some of us, the prisoners who had been kept in place by force,
8 came to understand that there was certainly going to be fighting, and that is why they
9 were preparing to seek shelter in those trenches when the time came. So we decided that
10 this was the purpose of the trenches that they were digging.

11 The trenches remained the way they were during the entire duration of the events. Each
12 trench was manned by two soldiers under the supervision of their commander. They
13 needed food and if they needed something, they would send someone to go and do it for
14 them. But I'm not a soldier, so I could not have told you precisely why they dug the
15 trenches, but I imagine that they did that in order to be able to take shelter during the
16 fighting.

17 THE INTERPRETER: Message from the Sango booth. Can the witness please be asked
18 to slow down?

19 MR MOURAD:

20 Q. Thank you very much, Mr Witness, for this answer. It's very helpful. Before I
21 proceed with my questioning, please be reminded to answer a bit slowly, to allow the
22 interpreters to interpret what you're saying. Is that acceptable to you, sir?

23 A. Yes, I agree.

24 Q. Thank you very much. Now, to follow up on these trenches that you were talking
25 about, I just would like you to put an image of PK12 in your mind and just try to describe

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1 to us so that we understand where those trenches were in PK12. Were they in only one
2 area in PK12, or were they spread around in other areas? Just take a moment and try to
3 remember, and then answer us. Thank you very much.

4 A. The trenches were dug wherever they went. Some of them were in our area while
5 others crossed the main road to go and requisition some beautiful houses whose owners
6 had run away. They positioned themselves there, two to each house. Others were at
7 the cattle market and others took the Boali road to the river known as Sö.
8 This means that the first thing the soldiers did was to dig the trenches. I would like to
9 tell you that they themselves dug the trenches. Each one of them would dig his own
10 trench and settle in there with his weapon. It was not only in our area but in all the
11 neighbourhoods that they had taken control of.

12 Q. Thank you. Do you recall if the Banyamulengue had a headquarter in PK12 or not?

13 A. Yes, of course. Their headquarters was located in the Begoua school. They
14 transformed that school into their base. No one could pass in front of that school.
15 There were 20 of them. The person in charge of that base was their commander, their
16 leader. They referred to him as colonel. He was a tall person. And, please, I want to
17 tell you that I saw him with my own eyes. The events that we experienced did not
18 prevent us from moving about.

19 When you met one of them, he would greet you with the word mbote in their language.
20 Their base was known because it was located inside the Begoua school. That is where
21 their supreme commander was to be found. They called him "colonel." He was tall,
22 and he had his aide de camps with him. They even transformed one of the classrooms of
23 that school into a jail. They used benches from the school as firewood, which they
24 cooked with. So, to summarise, their base was located at the Begoua school. The
25 soldiers were scattered all over the neighbourhood, in pairs, but their base was

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1 permanently located at the Begoua school.

2 Q. Sir, do you know the meaning of this word you referred to just a while ago that the
3 commander used to greet people when he meets with them? If I would pronounce it
4 correctly, it's "mbote."

5 A. It was not only the commander. Even his men, the Banyamulengues, when they
6 were patrolling in the neighbourhood and particularly if they were in a good mood. As
7 you know, there were also children amongst them, so the words that I remember when
8 they greeted me were "tata mbote." I would tell them, "Thank you," and they would go
9 on their way. I understood that that was their way of greeting people.

10 Q. Did you get to know the meaning of those words?

11 A. Yes, the expression "mbote" means "good day." I live with some of their fellow
12 countrymen in my own neighbourhood. Before they came - and I said this
13 already - some of their fellow countrymen were already living in my area and, when they
14 spoke on a daily basis, that's how they greeted one another. They would -- when they
15 met with me they would say "tata mbote," until I realised that this was a greeting intended
16 for me. They didn't speak any other language than Lingala when they arrived. Among
17 them there were very few who spoke French properly. Among them there was one who
18 did speak some Sango and, when he came to our place, he would talk to us in Sango.
19 That is how I was able to understand their greetings.

20 Q. And when they spoke in French, some of them, or in Sango, did they have any
21 accent that can differentiate their accent from those spoken in the Central African
22 Republic?

23 PRESIDING JUDGE STEINER: Maître Liriss. Witness. Witness. Please wait, Mr
24 Witness. Maître Liriss.

25 MR LIRISS: (Interpretation) Thank you, Madam President. I think this question

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1 should be reformulated, because I believe it is a leading question.

2 PRESIDING JUDGE STEINER: I'm sure Mr Mourad can rephrase his question.

3 MR MOURAD: Thank you, your Honour.

4 Q. When you heard some of those Banyamulengues speaking in French, if you
5 compared the accent they spoke with the accents the people from the Central African
6 Republic speak French, what would you notice that you can tell us in the court?

7 PRESIDING JUDGE STEINER: Sustained. You put exactly the same question. When I
8 say "Please rephrase," it's exactly to try to avoid any kind of suggestion in the question.
9 Please, Mr Mourad.

10 MR MOURAD: Thank you, your Honour. I was just trying to ask him what he noticed
11 himself with regard to the accent, without suggesting if it's different or if it was the same.
12 Just what he observed himself.

13 PRESIDING JUDGE STEINER: So ask in that manner, what he observed himself about
14 the accent without any further details.

15 MR MOURAD: Thank you very much, your Honour.

16 Q. Mr Witness, have you observed the language spoken by some of the
17 Banyamulengue troops when they spoke in French or Sango? What can you tell us about
18 your own observation of these languages when they speak in French or Sango?

19 A. The French and Sango that was spoken by them? Well, French is a language that
20 everybody wants to speak and, even when they don't even speak it properly, they will
21 nonetheless attempt to do so. So French and Sango that they spoke was rather special.
22 Their accents were quite different from those of Central African Republic people. Their
23 French was very different from the French we speak. Their own accent when they spoke
24 Sango was not similar to ours.

25 What I can add to that is that, you know, when someone has not received a lot of

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1 education, that doesn't prevent him or her from saying a few words in French. It was a
2 very approximate French and the same with Sango. The Sango they spoke was not the
3 same as the Sango we speak.

4 Q. Sir, you mentioned that the Banyamulengue stayed for the period from
5 22 November to 15 March - 22 November 2002 to 15 March 2003 - and you mentioned that
6 they committed some abuses. My question to you now is: During this period how
7 concentrated their abuses were in this period, were it in specific time frame or otherwise?
8 I don't know if you understood my question. I can rephrase if it's not clear.

9 A. Yes, I've understood you very well. The abuses they committed were numerous.
10 They didn't apply only to one person. I can talk to you about my own case and the cases
11 of other people, too. They did the same things in the neighbouring vicinities. Some of
12 these cases were -- I was a witness to and I myself was a victim. In fact, I only just
13 escaped death myself. It's thanks to God's goodness that I'm here with you today.
14 Where they had set up their base, yes, they were there all the time, but from time to time
15 they would sally out, get hold of goats and chickens by force, take them away. They
16 would take away yam --

17 THE INTERPRETER: Or cassava rather, interpreters correction.

18 THE WITNESS: (Interpretation) They would always take something. They came to
19 get food from the population. If they had been loyalist soldiers, they would have
20 received rations; food rations. We thought that these people had come to try and remedy
21 the situation, but instead they're coming and taking action against the population. In any
22 case, I can say that these assaults were committed against many people, particularly in my
23 area.

24 Q. And how long did these abuses last? How long? You mentioned like they arrived
25 in November. Did they commit abuses with reference to the time frame? I'm talking

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1 now about November, December, January, February, March. Can you describe if abuses
2 were committed throughout this time, or not?

3 A. When they arrived on 22 November 2002, what happened following that? The
4 abuses that they perpetrated were not simply isolated cases. From November 2002
5 to from that date right up to 15 March 2003, well, you know -- well, they didn't fraternise
6 with the population. As soon as they got there, they arrived on 22nd and I know that
7 they crossed the river to get there because they are citizens from the other side, and when
8 they met up with people they would take away his or her belongings and that is how they
9 behaved. The abuses were continuous. It was when Bozizé arrived that people began
10 to sigh with relief. It was starting then that the inhabitants were able to come back from
11 the bush, from the fields, to -- and back to their homes, and it was because Mr Bozizé
12 arrived that we were able to return to a state of peace. But in November 2002 to
13 15 March 2003, abuses were committed on a daily basis. They even committed several
14 inhumane acts that human beings shouldn't do, but that they did.

15 Q. Thank you, sir. We will come to this topic later on. Now I would like to direct
16 your attention to what happened to you personally, if anything. So please share with the
17 Court your story; the events that may have happened to you and your family during this
18 time.

19 A. Thank you for this question.

20 Q. I'm sorry to interrupt you, but I would just like to remind you not to mention names
21 when you speak. If you refer to any of your family members, please refer to them like
22 "my son," "my daughter," "my wife," but without mentioning their names. Is that
23 understood, sir?

24 A. Yes, I understand you well.

25 Q. Please go ahead.

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1 A. Concerning what happened to me personally, as I said already, once they had
2 arrived they (Redacted), and my wife asked my daughters to go
3 away and hide in the fields. I, myself, stayed in my house with my wife. We sold food,
4 firewood and a number of necessities from our house.
5 These people would regularly come and take what we sold on credit. They would take
6 away beverages, and my wife was there. These people would take this -- these things
7 away on credit. They came along armed. They would leave their trench and come in
8 and ask for something, and the Banyamulengue, when they did this, would always come
9 in armed.
10 So, as I said, after their arrival on 22 November 2002, the 22nd, the 23rd up to the 26th, a
11 whole week after they had arrived, they regularly came into our house - sometimes in
12 twos or threes - to take away beverages. My wife sold beer from the house, and I tried to
13 sell the beverages before they got there.
14 One day, (Redacted) of them came in and they said to us that they were hungry. My wife
15 quickly prepared a meal and served it to them. She served all (Redacted) of them with food.
16 Once she had served their meal, one of the commanders asked me to come. That
17 commander said to me to taste the food first and to stay nearby throughout the meal.
18 After having eaten, one of the Banyamulengue called my wife, saying, "Maman, (speaks
19 *Lingala), which meant, "Mama, give me drink." Since my wife didn't understand that
20 language, I answered that there was no beer left. My wife was not so young, and he got
21 up and he dragged her outside the house.
22 I tried to step in, but the five other men pointed their weapon at me, saying they would
23 kill me if I attempted to go inside; but as I could see what they were doing to my wife, I
24 thought that it would be better to die.
25 So I struggled. They hit me with the butts of their rifles. I struggled so as to try and get

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1 into the house, and I could see my wife on the floor with her hands behind her back.
2 They took the money, the earnings from the sales of beverages. They took it all away.
3 They wanted to go into the bedroom, our bedroom, but I got in their way and stood in
4 front of the door to the bedroom. So they started beating me and hitting me, and I
5 was -- I fell to the ground. They hit me with the butts of their weapons. They even hit
6 me with the cannons of their weapons. I felt pain all over my body.
7 In our compound, all around the house, we were surrounded by Banyamulengue.
8 Nobody could intercede. That was their technique. As soon as there was an attack,
9 nobody could get anywhere near because they were armed. Nobody could do anything.
10 I was there with my wife. There was also my very young son, who was close to the
11 house and who was crying. I saw -- I could see my wife sitting on the ground. And I
12 saw one of these gentlemen, who had an automatic pistol, a PA, who was called (Redacted),
13 he took out his PA and pointed it at me, aiming at my neck, threatening to kill me.
14 He said to me, "You are going to die." In response, I said to them, "Let my wife go
15 outside and take care of the children. I prefer to die instead of my wife. I don't know
16 what the purpose of you coming here is. I thought you had come here to protect us. I
17 brought you water. I chopped firewood for you. You came here today, I served you a
18 meal without any problem. Frankly, you are not afraid of God." That is when he took
19 his pistol away from my neck and put it back into its position.
20 And then he asked my wife how much they had taken? He turned the others out, he told
21 the others to go out, and then he asked my wife how much the soldiers had taken, the
22 amount of money that had been taken? My wife said, "They took away all our earnings."
23 He wanted to know the exact amount, and she said, "30,000 francs."
24 He said, "Maman, I'm going to go home. I'm going to go and get your money and bring
25 it back to you," This gentleman said, "Tata. There's no problem. I'll go there and get

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1 your money back for you, Maman." There was a house where there were many of them,
2 where they drank and smoked.
3 I went out all black and blue, bruised, and I was there defenceless with my wife. There
4 was no one there; everybody had fled. That is the way they treated us. That was their
5 way of treating people.
6 When they acted reprehensibly in that way, if you tried to look at what they were doing,
7 they would notice you and turn against you and do the same thing to you. That is the
8 way they operated. They came to my house, they came, they drank, they ate and then
9 they beat us and took hostages.
10 At night, that night, my wife massaged me, saying that since I had been beaten severely
11 with the cannons of their rifles, so she used warm water to massage me. And then at
12 around 1 a.m. we heard somebody knocking at the door. I asked who was there, and the
13 answer I heard was, "Open the door." I wanted to go and open it, but my wife said,
14 "No." And I said to her, "Well, if I don't open the door, they'll break it down and mistreat
15 us."
16 That is why I went and opened the door. And I could see there, there was one man with
17 a lot of hair - he was called (Redacted) - and he said to me, "I come to your place often to get
18 food. I was there and I could see what my companions were doing. I couldn't interfere
19 because I, myself, might have been killed." And after he said that, he went away again.
20 The next day we stayed at the house in the morning. One of the Banyamulengue came
21 along - he was a young man - he called me saying, "Tata, Yaka." I said to my wife that
22 she shouldn't worry, even if they were calling me. I told her she should not be
23 frightened.
24 He said -- he handed over, presented to me, a new radio set. He said to me, "Tata, take
25 this radio set. We are hungry. We don't have any food. This is a Phillips radio. Take

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1 it so that you can follow the news." I wanted to say, no, saying that I didn't have any
2 money, but the other forced me to take the radio and said that it was worth 4,000 francs,
3 CFA.
4 You see, these people could simply come along and force you, take off your shoes and
5 force you to give -- hand over your shoes to them. These were strange situations. I
6 explained to my wife that I didn't -- don't have any money and now they're forcing my to
7 buy this radio. What can I do?
8 One of my sons who sold goats gave me the 4,000 francs, and that is how I went out to
9 give them those 4,000 francs. Once I had handed over the 4,000 francs, one of the
10 Banyamulenge said to me, why did I stay standing while I was giving them the money?
11 He said to me, "You should have been on the ground." I did as I was told, and he said,
12 "That's all right, papa, then you can keep the radio set."
13 I went back home at around 7.30, and another person - a tall person - with a long sword in
14 his hand came along. His head was shaved. As he saw -- as she saw him coming
15 this -- my wife said, "This man is coming here." And I said, "Well, we have no strength
16 left. This man has left behind his weapon, but now he's coming here with a long sword."
17 The man in question said to me *this, " pesa ngai radio."
18 My wife said, "Hand over the radio, quick, go and give them the radio." So I took the
19 radio that I had been compelled to buy and I handed it over. He had a long sword, a
20 sabre, and he threatened to behead me unless I handed over the radio set. He said to me
21 that he was taking the radio to the colonel at the base and if the colonel gave him the order
22 to bring back the radio, he would do so, but if the colonel refused to do so, I should not
23 insist.
24 Those were firm instructions and there was no possibility for disputing that. He went off
25 with the radio, and at around 3 p.m. he came back to the place where his companions

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1 gathered and drank. He went back to that place. He saw me and beckoned to me, and
2 he said to me, "Tata, radio given colonel. Colonel say not give radio back. I come, you
3 speak." And he said all this in French, not in Lingala. And I answered, "Well, that's all
4 right." And he said, "Well, that's good. Tata, that's nice of you."
5 And since I was told that if I insisted, I would be taken to the base, then I realised that
6 they wouldn't be sending me to go back, they would be hitting me, that's why I said,
7 "That's all right." And he answered, saying, "That's good. That's nice of you." And
8 that's how I got back.
9 But the abuses that they had committed were on a regular basis. Every day they did the
10 same thing. They asked where my daughters were and I said to them that they had gone
11 on a trip, and he asked -- he told me that they were hungry, and my wife said there was
12 nothing to eat. He said that he was going to bring us food, and he did bring food,
13 probably stolen elsewhere, and asked us to cook it. He asked me to taste. We always
14 had to taste, so I tasted it, and then they began to eat in turn.
15 They began by fraternizing. One came along and said, "This is what happened to me."
16 He went into the living room, but you cannot prevent them from doing that. They go in
17 there, see a valuable, take it and leave again. We could not complain to anyone. No
18 one could come to our rescue. Our lives depended only on their weapons. It was either
19 yes or no. And if you insisted, in the neighbourhood they would come back, (Redacted)
20 of them, and drag you to their base. This means that our lives depended on the decision
21 of the colonel.
22 PRESIDING JUDGE STEINER: Mr Witness, I'm really sorry to interrupt you but we
23 need to have a break in order for you, our interpreters, everyone here, to have lunch and
24 rest a little bit. So we are going to suspend and we'll be back at 2.30, and then you will
25 continue telling your story.

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1 THE WITNESS: (Interpretation) Thank you. I understand.

2 PRESIDING JUDGE STEINER: Thank you very much. Court officer, please turn into
3 closed session in order for the witness to be taken outside the courtroom. In the
4 meantime, we are going to suspend and we will resume at 2.30. Court officer, please.

5 *(Closed session at 1.06 p.m.) Reclassified as Open session

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

7 (The witness stands down).

8 THE COURT OFFICER: All rise.

9 (Luncheon recess taken at 1.06 p.m.)

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

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

12 PRESIDING JUDGE STEINER: Good afternoon. We are going to resume this
13 hearing - this afternoon's hearing - with continuing with the questioning of Witness
14 73, and for that purpose I ask, please, the court usher to bring the witness in.

15 (The witness enters the courtroom)

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

17 (Open session at 2.37 p.m.)

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

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

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

21 PRESIDING JUDGE STEINER: Did you have lunch and took some time to rest?

22 THE WITNESS: (Interpretation) Yes, I did have lunch and I was able to rest well.

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

24 THE WITNESS: (Interpretation) Yes, I am ready.

25 PRESIDING JUDGE STEINER: Thank you. So I'm giving the floor again to the

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1 Prosecution, and just to remind you that we are in open session, so if you need to
2 mention any names, family members, or neighbours, or friends, let us know and we
3 go into private session.

4 Mr Mourad, you have the floor.

5 MR MOURAD: Thank you very much, Madam President.

6 Q. Mr Witness, good afternoon and welcome back.

7 A. Good afternoon, Prosecutor.

8 Q. Before the break you were telling us your story. I would like to repeat the last
9 part of your story in case you have something else to add. I'm starting from page 47,
10 line 21. Of course, it's the unedited version; it's the only version we have, the English
11 transcript. Sir, I am reading the last part. You said, "They began by fraternising.
12 One came along and said, 'This is what happened to me.' He went into the living
13 room, but you cannot prevent them from doing that. They go in there, see a valuable,
14 take it and leave again. We could not complain to anyone. No one could come to
15 our rescue. Our lives depended only on their weapons. It was either yes or no, and
16 if you insisted in the neighbourhood, they would come back, (Redacted) of them,
17 and drag you to their base. This means that our lives depended on the decision of
18 the colonel."

19 Sir, that was the last part of your story before the break. Do you have anything to
20 add to your story?

21 A. I spoke about what I had experienced. After that, one or two months after that,
22 I was seriously ill. You've said everything, Prosecutor. I don't need to mention
23 names. I'm speaking about what I experienced myself, but if I speak about others,
24 I know what's happened to other people and that was more serious than what
25 happened to me, myself.

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1 The atrocities that were committed against us inside the house, after these abuses, you
2 know, it's difficult for us to be able to get our lives back. Everything that we had, it
3 was having -- well, we'd made huge efforts to accumulate what we had. My wife,
4 for example, they took her clothing, the money that she had, and she also became ill.
5 She was beaten and at that time there were no hospitals that were functioning. You
6 know, if you lose something, you have nothing. Just a simple illness can lead to
7 your death. So, after everything that we had undergone, my wife became ill and she
8 died as a result thereof. Myself, after the beating that I took, I was also ill. I went to
9 hospital. I didn't have money to get treated, and that's what I experienced.

10 Q. Thank you very much, sir. Before I address every incident that happened to
11 you, I just would like first to talk about this wife of yours and her death. Can you
12 just explain to us what caused her death? And please don't mention her name.

13 A. You know, when you lose something or you undergo an event that you're not
14 prepared for -- well, she sold small things, and it was through these activities that she
15 was able to buy little things; but on that day they knocked her down, they put their
16 hands on her back and they took all the money that she had and that made her ill.
17 The Banyamulengue didn't beat her, but it was all too much for her. She was very
18 concerned, and this was what led to her death and that's what I experienced.

19 Q. And when did she die?

20 A. 22 November 2002, one week after the arrival, they started to commit atrocities.
21 They took our radio; they took money. And it was only afterwards, and we didn't
22 have anything else, and given her age, she was very old, she fell ill and she couldn't
23 get treatment. I wasn't expecting to see her die, but gradually she fell ill and, when
24 she was taken to a hospital -- or, rather, it wasn't gradually, it was suddenly. She
25 was in a lot of pain, she was taken to ill -- she was taken ill and she went to hospital,

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1 but it was too late.

2 Q. Do you remember when did she die; the year or the month?

3 A. She died on 27 December 2007. 2007.

4 Q. Sir, you mentioned that the Banyamulengue took away beverages on credit.

5 Can you tell us how frequently did that happen?

6 A. You know, where we come from, the women normally buy articles and sell
7 them again at home. And my wife, also; she went to buy beer to sell it in the
8 neighbourhood and she would sell it to the neighbours, and suddenly these men
9 arrived, all of a sudden, and they started drinking, but nobody else could go into this
10 neighbourhood, enter into this neighbourhood. They would come in, they drank
11 and they took credit.

12 We knew that they were never going to pay, but you couldn't do anything. So
13 having drunk everything, they asked for us to do everything. They thought we were
14 hiding other drinks. They wanted us to do everything to give them more to drink.
15 They thought we were hiding what else we might have.

16 Q. Sir, I would like to know if they took beverages on credit on just one week as
17 you mentioned before the break, and let me read this part for you, "So, as I said, after
18 their arrival on 22 November 2002, the 22nd, the 23rd up to the 26th, a whole week
19 after they had arrived, they regularly came into our house - sometimes in twos or
20 threes - to take away beverages." I am referring to page 42, lines 12 'til 15. Did this
21 incident occur after this week?

22 A. Yes. After a week, they came. And one week afterwards, they started coming
23 to my house and it was there that they also started to take products on credit; that is
24 to say, to take firewood and other articles. I was aware that they were never going
25 to pay, but that didn't last for longer than a week.

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1 So they didn't come during this period of two weeks. We didn't have the possibility
2 to resupply ourselves, so what we had in stock they came and they consumed it - well,
3 everything that we had, drinks - in two days, but it wasn't a regular frequency. It
4 didn't last for more than a month.

5 Q. And what is the value of the things that they took on credit?

6 A. Apart from the money that they had taken, if you have to do the accounts for
7 everything that they took on credit, I couldn't estimate a massive amount of money
8 because they, themselves, they took -- they took essential food; that's to say, they took
9 manioc, they took heating wood or firewood.

10 I was aware that they weren't going to pay for it, and I said, "If all that has to be taken
11 into account, or we have to add all that up, that wouldn't be 25,000 or 30,000 francs."
12 It was just a small business that my wife had.

13 No, no, people who took credit, they left without paying. I knew that they wouldn't
14 come back, but I didn't ask my wife to demand that these debts be paid. Once they
15 came to take a credit for firewood, which was 200 francs, and they asked to take -- to
16 carry them on my head. And when I -- I arrived at one of them, was asking me what
17 I was still doing there, but when they took the credit they never paid.

18 Q. And who are those people who took items on credit?

19 A. At the time of the events, who could come and take products on credit?

20 Nobody. The neighbourhood was almost empty. It was difficult to see people in
21 the neighbourhood. There was just the Banyamulengue. Even if there was
22 somebody else, they could ask for their money, but because it was them you couldn't
23 get your money. There was nobody else there. It was just the Banyamulengue.

24 Q. And during the period in which they took items from you on credit, was it only
25 one group, or more than one? Was it the same group who came to your house to

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1 take those items, or was it more than one group?

2 A. Because there were many of them, there wasn't just one group. They came,
3 each one in turn, and every time they came first of all they would fraternise. They
4 would say to my wife, "Maman, Maman," and they would ask for a credit. They'd
5 promise that they'd come back, and then another group would arrive and they would
6 do exactly the same thing. It wasn't just one group, that's clear. Everybody came in
7 turn. And when there was no longer anything in stock, they didn't agree; they
8 wanted us to give them things, but there was just nothing left.

9 Q. Sir, I would like to direct your attention now to the other incident you
10 mentioned before the break where (Redacted) of them came to your house and beat you and
11 your wife. Could you please describe those (Redacted) persons?

12 A. It was in the evening, between 16.00 and 17.00 hours. They had finished eating.
13 And how were they dressed? Well, as I said, they still had their weapons, even the
14 weapons that they had on them, and they had scarves, the batawali. They
15 had -- when they arrived, for example, then the people who were eating they still had
16 their weapons with them. And when they arrived, they weren't wearing military
17 uniform; and if you saw that it was in civilian dress, that's because it was taken from
18 somebody.
19 They had shirts, they had caps, berets, they had sandals. It was quite different
20 between people. Some people had military shirts, trousers, scarves that they put
21 around their necks, and they also had hats. And we knew that these people -- well,
22 it wasn't really clear what these people were doing. They had no time of -- they had
23 no type of military insignia on them.

24 Q. Could you distinguish a commander among them, and I am talking about those
25 (Redacted) persons who attacked you and your wife?

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1 A. As I have already told you, there were (Redacted) of them when they arrived, but those
2 are the (Redacted) that actually came into the house. Usually when they attacked a
3 compound, others would come and simply surround the house so as to prevent the
4 population from coming to see what was happening. There were (Redacted) of them inside
5 the house, and the person who gave them the order to leave, given that they had
6 already taken the items they wanted and they were satisfied, it was the commander
7 who ordered them to go out. It was the commander himself who asked the (Redacted)
8 others to leave.

9 They left and then he asked my wife the amount of the money that the others had
10 taken. She told him that she had had 30,000 with her, and the commander said,
11 "Look, mother, calm down. I will go back there and the people who have taken that
12 money are going to return it," but when he left he went for good, but those who had
13 come into our house did not have any insignia indicating that they were soldiers.

14 Q. Sir, in the beginning when they first came to your house, you said that, "They
15 said to us they were very hungry. My wife quickly prepared a meal and served it to
16 them," and I am referring to the same page, page 42, line from 16 to 18, in the English
17 version. Sir, in which language did they ask for a meal?

18 A. You know, even if you don't understand Lingala, they still speak it. Despite
19 the fact that the other people do not understand, sometimes they used an
20 authoritative tone. They all spoke Lingala, but we did not understand. But the
21 commander spoke French and (Redacted), and he asked my wife how much they
22 had taken. My wife told him 30,000 and he said he was going to return the money.
23 The majority of them spoke Lingala and even when they met you they would speak
24 only Lingala. Even when they were asking for something, they would simply start
25 gesticulating.

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1 Q. And why did your wife prepare a meal for them?

2 A. But why could she possibly have refused to prepare the food? When they
3 arrived, they said that they were hungry and demanded that they should be given
4 food. After having prepared the food, it was served to them and they demanded
5 that we should first of all taste the food before they started eating. That is what I did
6 and they waited for three minutes before they began eating the food.

7 My wife was terrorised. She was terrified, so she could only do as they asked. As
8 soon as they had demanded that she should give them food, she hurriedly prepared
9 the food for them until we no longer had any food left to give them, and when there
10 was no food left they started aggressing us again and telling us that we had enough
11 reserves but were refusing to give them food to eat, and that is how they started
12 attacking us.

13 Q. And in relation to your house, where did this take place? Was it inside or
14 outside the house?

15 A. It was inside the house. As I told you a short while ago, after having finished
16 eating and drinking, one of them asked my wife to give them more drinks and, since
17 my wife told him that there were no drinks left, he grabbed her and dragged her into
18 the house and it was at that time that they started to brutalise us.

19 Q. Where did they have their meal, at the very beginning?

20 A. It was outside the house. They were served on a small table. There was
21 water and some soap and I was the one who served them all those items, so in answer
22 to your question they ate outside the house.

23 Q. You mentioned a while ago that they grabbed your wife and dragged her into
24 the house. Can you please explain what happened inside the house?

25 A. It was after the question that they had put to my wife, that is asking her to give

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1 them drinks, my wife said that she no longer had any drinks left. That is why they
2 grabbed her and brutalised her and dragged her into the house.
3 I stood up and I was furious, which is why I told them to leave my wife alone. His
4 friends stood up also and tried to prevent me from entering the house, but despite
5 that I was able to force my way into the house and, once inside the house, I suddenly
6 saw the other Banyamulengues come in. One of them threw my wife to the ground,
7 took off her wrapper, or loin cloth, in order to take the money that was tied at the
8 edge of the wrap. You know that in our place at that time you could not keep your
9 money at home; you always kept your money on you. And when he threw my wife
10 to the ground, I asked her why -- I asked him why he did that. If he wanted money,
11 he could have asked for it calmly and it would be given to him, but when I said that
12 they came at me and at that time no one could dispute whatever they were saying.
13 So when they started attacking me, my wife started crying, but I can tell you that they
14 were beating me with their weapons. I could not stand up. I fell to the ground and
15 they started stamping on me with their feet.
16 At the same time, they continued demanding that my wife should give them drinks.
17 Even though my wife told them that she had no drinks left, they did not leave her
18 alone. They also started grabbing the items that were in the sitting room. The
19 commander spoke to them and he also spoke to me while pointing his weapon at me.
20 THE INTERPRETER: And the witness refers to that weapon as a PA.
21 THE WITNESS: (Interpretation) He threatened to kill me, so I told him, "Look, sir,
22 you can kill me, but leave my wife alone." After that, he told my wife that he was
23 going to refund the money that had been stolen from her.
24 MR MOURAD:
25 Q. Sir, inside your house at that time, how many of those (Redacted) Banyamulengue were

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1 present?

2 A. There were five Banyamulengues who entered my house. In principle, there
3 were (Redacted) of them in my compound, but five of them came into the house after me. So
4 I was inside the house, along with my wife, and they were also there in the sitting
5 room. One of my boys also wanted to come into the sitting room, but since he was
6 quite small he was afraid and he could not come in. In fact, they had even prevented
7 him from coming in, so there were not up to ten of them with us inside the house.

8 Q. You referred to their commander and that he talked to you inside the house. I
9 would like, for the purpose of clarity, to know how -- from which point did this
10 commander stay in the house? Was he in the house from the beginning of the
11 incident, or did he arrive at a later stage?

12 A. But the commander was not elsewhere, he was together with his soldiers.
13 They even ate together. I myself did not know who was the commander. I think
14 the commander was his rank, but they were referring to him as (Redacted) That was
15 his nickname, but I myself did not know that he was the commander. As you know,
16 once they realised that you had some money, they would do everything to grab the
17 money. If you had a radio set, they will do everything to take it. So the
18 commander was there with them and he was also together with them inside the
19 house.

20 What I know is that they did not beat my wife. They simply threw her to the ground.
21 I was the one that they beat. Initially, he was -- or, they were at the door while I was
22 struggling to go into the house. I did not know that he was carrying a PA, but once I
23 started struggling to go in, he took out his PA and pointed it at my neck.
24 Shortly after that, he withdrew the weapon and asked my wife how much money she
25 had had, and she told him it was 30,000. He even promised my wife that he would

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1 refund her money. I myself did not know that he was the commander because he
2 was not wearing any epaulettes. It was his soldiers whose referred to him as
3 "Commander" and sometimes they also referred to him as (Redacted) It was after
4 they had completed their attack, that I understood that he was the commander. At
5 the time that he pointed his weapon at me, I did not know that he was the
6 commander, but in any case the commander and the other soldiers were behaving in
7 the same way. My neighbour's house was located 20 metres away from mine.

8 Q. Sir, for the purpose of clarity of the record, can you please explain to us this
9 weapon you refer to as "PA"?

10 A. As you know, in our country, that is how that weapon is referred to. It is
11 actually a pistol. In Bangui, everybody refers to it by its abbreviation, "PA." It is a
12 military pistol. It was of a khaki colour.

13 Q. And how was the rest of the Banyamulengue who entered your house armed?
14 What kind of weapons were they carrying?

15 A. They had the same type of weapon. I did not see other types of weapons, apart
16 from what they were carrying; that is, apart from the pistol that the commander was
17 carrying. All the other weapons -- all the other soldiers were carrying Kalashnikovs.
18 I did not see other types of weapons. I did not see grenades or rockets. They were
19 carrying only Kalashnikovs, and those who did not have Kalashnikovs were moving
20 about empty handed, and those were the commanders.

21 Q. Sir, apart from the money they took from your wife, did they take anything
22 else?

23 A. They took the money from my wife and other items of property also. They
24 took the drinks that were stored on the counter. They did not take any other thing,
25 apart from small items such as the wall clock, but they did not touch the chairs.

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1 What I can say is that they took money from my wife and the drinks which they
2 consumed on credit.

3 Q. Sir, do you remember the date when those (Redacted) Banyamulengue came to your
4 house?

5 A. They arrived on the 22nd, and it was on the 29th or the 30th -- the 30th, actually.
6 It was on the 30th that they came into my house. That would be one week after their
7 arrival. If my memory serves me correctly, I think it was about the 29th. I know that
8 they arrived and took up positions in the neighbourhood, and one week later they
9 started committing acts of violence. It was not everyone who did that. On the 22nd
10 and 23rd, they started positioning themselves and it was only about a week later that
11 they started perpetrating acts of violence. I believe it was on a Wednesday.

12 MR MOURAD: Madam President, may we turn briefly into private session?

13 PRESIDING JUDGE STEINER: Court officer, please let's turn into private session.

14 *(Private session at 3.25 p.m.) Reclassified as Open session

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

16 MR MOURAD:

17 Q. Sir, we are now in private session. I would like to ask you a very few
18 questions, and don't be afraid to mention names because only people in the
19 courtroom can hear you. Earlier in your testimony you stated that you don't have a
20 wife, and later on you were speaking - and you only have a companion - and later on
21 you were referring to someone as your wife. I would just like to clarify this point
22 with you.

23 A. Well, before that I was living with a woman with whom we had (Redacted) children.

24 After that, I did not remarry. I'm reflecting on the question that you just put to me.

25 After my wife's death, I did not remarry, so this was three years and four months ago.

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1 I did not remarry and I do not have a partner. Perhaps I did not really understand
2 your question, so if you can clarify I might better understand. I have never been
3 polygamous at any time and I was living with my wife until her death.

4 Q. I was just -- wanted to clarify the record, that's all, because you mentioned that
5 you had a companion and not a wife. So maybe it's better to ask you what is the
6 name of your wife that you are referring to?

7 A. In my statements which I gave in Bangui, the question about my partner was
8 not put to me. Apart from my wife, who is deceased, I do not have any other
9 partner. When I was still young, yes, that was possible, but after having gone on
10 retirement in 2007 and until the arrival of those soldiers, I do not have any other wife.
11 So, apart from my wife, I did not have any other partner. I was there with my wife
12 and our children at home during those events. I have re-read my statement, but at
13 no time did I make mention of any mistress.

14 Q. It is very clear, Mr Witness. It's my mistake. Just for the record, what's the
15 name of your wife who was with you in the house during this attack?

16 A. My wife is my other half, (Redacted).

17 Q. Sir, before the break you mentioned a person whose name is (Redacted), and you
18 stated that he came to your house at 1 a.m. I am referring to page 45, line -- from 3
19 onwards. Would you please explain to us what did this man tell you?

20 A. Where it concerns (Redacted), among all these people he was the most relaxed. He
21 didn't talk a lot. He came up to me, he knocked on the door about 1 o'clock in the
22 morning. I was afraid. I thought, well, perhaps they've come back to kill me. My
23 wife asked me not to open the door, if that was possible, if I could try and get out
24 through the window. I said to my wife that she should calm down, and I decided to
25 open the door.

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1 It is not for nothing that (Redacted). He had his hair, which was very long,
2 and just seeing him was very scary. He greeted me, firstly, and he was called (Redacted).
3 He greeted me and I thanked him, and he said to me that he would come to our
4 house.
5 His wife gave him coffee and food, but the atrocities, the abuses, that we were subject
6 to, he observed that, but he could not come to defend us. If he -- if he did that, they
7 would also do harm unto him and, as such, he had to stay next to us observing what
8 we were undergoing.
9 He had to carry out the patrol a bit further away, but that one, what he came to do
10 was to try to calm me down, to not get upset. I think -- I thought he had taken me to
11 abduct me, but he came to reassure me, in fact, and that's the reason why he came.
12 And after he left, I went back in into the house.

13 Q. Thank you. I would request that we go back into open session, but, before that,
14 please if you would like to refer to this person, you can refer to him with a code, like
15 "the man who came to my house at 1 a.m." or "the man with a lot of hair," as you've
16 described him, so that we can move back to open session. Is that acceptable?

17 A. Yes, that's acceptable.

18 MR MOURAD: Madam President, may we turn back into open session, please?

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

20 (Open session at 3.34 p.m.)

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

22 MR MOURAD:

23 Q. Sir, we're now in open session and so, as we discussed, please don't mention
24 names in open session. Sir, when we talked about this man who visited your house
25 at 1 a.m., you told us that he spoke with you. In which language did he speak with

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1 you?

2 A. When he came to my house, he tried to speak in Sango, but it was an
3 approximate version of Sango. He didn't speak it correctly, like I do. I know he
4 spoke in Sango, but it was a very, yes, approximative (sic) version of Sango.

5 Q. And apart from this time that you spoke with him, did you ever speak again
6 with this person?

7 A. Who are you talking about? Are you talking about the person who came at 1
8 in the morning? No, he left for good, the evening he came once; and the night he
9 came once, he never came back.

10 Q. Thank you, sir. Yes, this was the one that I was talking to -- talking about. Sir,
11 you mentioned an incident where one of the Banyamulengue came and forced you to
12 buy a Phillips radio, and I am referring to page 45, lines from 15 onwards. Can you
13 please describe this man to us?

14 A. This person who proposed this radio to me was tall and he had his head shaven.
15 He was wearing jeans and on his shoes -- he was wearing flip-flops. In his hands he
16 had something like a sword, and it was with that that he came to my house. His
17 eyes were red, because he thought that he had to threaten to get the radio. He said
18 he wanted to take the radio to the colonel. I wanted to discuss it with him; my wife
19 refused. And after what happened - he insisted that I provide it to him - I went back
20 into the house, I took the radio and I provided it to him.

21 After that, he turned and he took one step, two steps, and then he said to me that he
22 was going to give it to the colonel, and that if the colonel gave an instruction for it to
23 be given back to me, he was going to give it back to me; but if I had to insist or
24 continued to ask for it, he was going to give an order that I be transferred to
25 Nguaragba.

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1 He wasn't wearing military uniform. He had jeans and he had a shaved head and he
2 had a sword in his hand. He was also wearing flip-flops. This is what I saw when
3 he came to my house. He was also wearing a tracksuit.

4 Q. Sir, it seems that you're talking about the person who took the radio from you.
5 My question was about the person who forced you to buy the radio in the beginning.

6 A. Yes, it's true. This person, as I said -- well, there were four people. They were
7 in one of the houses that had been taken over, so they sent a young person and I came
8 with these young people. When we arrived, they said to me, "Tata, look, this radio,
9 you have to buy it. We're hungry, and for some time now we haven't had any
10 rations," and they wanted 4,000. I said, "No. Listen, I don't have any money at all
11 and, given the money that you took from my wife --" well, I couldn't say that. I said
12 that I had nothing, I had no money, and I said that to them. One of them got angry,
13 he took the radio and he put -- thrust the radio into my hands and he asked me to
14 take them 4,000.

15 And, as I was still standing up, one of them told -- said that -- showed that they were
16 going to go and to bring the money. So I went to the house, and my wife said,
17 "What's happening?" I said, "Well, they gave me a radio and they said that they
18 were hungry. I said I had no money, and they gave me this radio - they forced me to
19 take it - and they want immediately that I bring 4,000," but I was lucky.

20 I had a son who was selling things at la barrière. So when he heard that, he came.
21 He came secretly; he was hiding. He considered all young people as rebels, or they
22 considered all young people as rebels. If you were older, you were tolerated, so he
23 provided me with 4,000 and -- yes, he gave me 4,000.

24 I took this 4,000 and I gave it to them. When I took the 4,000 -- well, these were
25 young people, like me. I could be their father. And I said, "Why am I providing

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1 them money?" So I gave them -- I got on my knees and I gave them money, and they
2 said, "Thanks."

3 It's the same people. They had a plot to ask for -- get another person to get the radio,
4 and it was the same day, around 13.00 hours, 14.00 hours. Well, it was, yes, a long
5 time ago. The person who came, we didn't know him. The person who sold me the
6 radio, they had some kind of plot between them, they went and another person came.
7 He came alone and he came with his sword and, when he came, he said, "Where's the
8 radio?" And he said in French, "Où est la radio?", "Get the radio. Bring it out."
9 And when I listened to that, I was afraid. My wife was afraid. "No, you have to
10 give him the radio." So I went back in and I gave him the radio, and that's how he
11 left with it, but the people who forced me to buy the radio had a plot with their
12 companion to come and get the radio back. It wasn't for the colonel, it was a plot,
13 and that's the sort of thing they used to do.

14 Q. And talking about the people who forced you to buy the radio, in which
15 language did they speak to you?

16 A. When they called me, when they saw one of their young companions call me,
17 among the four, well, it was the oldest ones, I came. They spoke to me in Sango.
18 As I said, it was a rough version of Sango. They didn't speak it as fluently as we did.
19 Instead of saying "Papa" he said "Tata, buy the radio, give 4,000 francs," and I said "I
20 don't have any money." So they gave -- forced me to take the radio and they forced
21 me to find the 4,000 francs. They said that everything had to be done to get 4,000
22 francs.

23 When I got home, my wife was there, but luckily my son came. I got the 4,000 from
24 him and I was able to take that. And that was how I kept the radio, but it was the
25 same people who sold this radio, the same ones who told one of them to come back

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1 and get the radio, and they left the place where they were to go elsewhere.

2 He must have gone to sell the radio, and he said that -- well, what he said to me was

3 that the colonel had taken the radio and that if I tried to say anything they were going

4 to send me to Nguaragba. That is how things happened. Those who sold the radio

5 didn't come to my house. They gave me the radio, I brought them the money and

6 somebody else came to take the radio, and the place where they were they left that

7 place. It was an arrangement that they had come to between them.

8 Q. Sir, do you know the people who came to your house to force you to buy this

9 radio, where did they get this radio from?

10 A. Well, it was these people. It was those who had taken over the neighbourhood

11 and it was those who forced me to buy the radio. I knew that it was them. There

12 was nobody else with them. It wasn't anybody else. It wasn't any other person.

13 Q. But do you know where they got this radio from before they sold it to you?

14 A. It was a new radio. It was like it had just come out of a shop. It wasn't one

15 that had already been used, because they also told me it was new, and that's why it

16 was worth a lot. When they came, they didn't have a radio. They must have got it

17 from Bangui. They must have taken it by force from somebody and now they were

18 trying to sell it and they had an arrangement to come and get it back. That was the

19 way that they would proceed.

20 Q. Sir, a short while ago you referred to a place called Nguaragba, if I pronounce it

21 correctly. Can you please explain this place to us?

22 A. Nguaragba is the largest arrest house of Bangui. It's there that people who are

23 convicted were kept, detained, detention centre. That's the largest prison or

24 detention centre of Bangui. Generally, people were taken into custody and then sent

25 to this detention centre, so I asked "Why do you want to send me to Nguaragba?"

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1 Q. Sir, you also mentioned that the radio was taken to a colonel. Who is the
2 colonel you are referring to?

3 A. I was referring to their own colonel, the one who was next to Begoua school
4 where their base was. You know that at the time schools weren't working. All the
5 pupils, all the teachers, had been sent home, so they requisitioned all the school and it
6 was there that their base was.

7 The person who had the radio said he was taking it to the -- the person who took the
8 radio said he was going to take it to the colonel. There were lots of them at the base.

9 In one of my travels I went to a place where I could see them and I kept at a good
10 distance from their base, and when I was speaking with a friend he was saying that
11 "That person who is there and that's their colonel," and the colonel also had his camp
12 aides there and some troops were cooking. One of the classrooms was used as a cell
13 and that's what happened to us in Bangui.

14 Q. And what was the use of this cell you are referring to?

15 A. You know that when some members of our family are taken into custody in the
16 commissariats, we visit them in the police stations, and when these Banyamulengue
17 captured somebody, or arrested a person, they took that person directly there. And
18 in this place there was human excrement, and if you don't manage to get out quickly
19 you will stay as long as they want. So it was one of the classrooms which had been
20 turned into a jail, and any person they stopped they would send directly into that jail.
21 And if you want to capture somebody, there will be, well, six or seven -- I mean, they
22 would rule out their own law on that person, but it was their base and afterwards
23 they would take a person to their jail.

24 Q. And why would they detain a person in this jail?

25 A. Yes. Well, you know, there are always reasons for everything. If there's a

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1 person and, for example, they have got their booty, when you meet them you mustn't
2 look them in the eyes. If you look them in the eyes, they'll attack you and they'll take
3 you to their base. If they think you want to protest, they'll beat you up. They
4 themselves, they turned this school into their base, and they made one of the -- a
5 classroom they turned into their own jail where they kept prisoners.

6 Q. Sir, talking back about the radio, did you ever get back this radio?

7 A. What force did I have to get the radio back? When the soldiers took the radio,
8 they said that they were going to take it to the colonel. And sometimes -- yes, I'll tell
9 you what happened.

10 One day they came to the house of one of my neighbours. I was called and as soon
11 as I went, well, he spoke to me in French, very bad French at that. There were lots of
12 others around. He said to me in French --

13 THE INTERPRETER: The witness is speaking in French, says the Sango interpreter.

14 THE WITNESS: (Interpretation) And having said that to me, I just said, "Thanks."

15 I didn't have any power to be able to get the radio back. I didn't even have the
16 possibility to go to the base to speak to the colonel. I had to abandon the radio, so,
17 basically, I was not able to get the radio back.

18 MR MOURAD: Thank you very much, sir. Madam President, it seems it's time to
19 conclude today.

20 PRESIDING JUDGE STEINER: Thank you, Mr Mourad.

21 Mr Witness, we are going to adjourn this hearing now in order for you to take some
22 rest, take some time for yourself. We are going to resume tomorrow morning at 9.30
23 in the morning. We wish you a very nice evening and a restful night. I am asking
24 the court officer, please, to turn into closed session in order for the witness to be taken
25 outside the courtroom. Before that I just want to thank very much the Prosecution

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

2 Gombo, our interpreters and court reporters, wishing all of you a restful night.

3 Court officer, please turn into closed session.

4 *(Closed session at 4.00 p.m.) Reclassified as Open session

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

6 (The witness stands down)

7 THE COURT OFFICER: All rise.

8 (The hearing ends at 4.01 p.m.)

9 CORRECTIONS REPORT

10 The Court Interpretation and Translation Section has made the following corrections

11 in the transcript:

12 * Page 33 lines 19:

13 " Sango)" is corrected by "Lingala)".

14 * Page 36 lines 17:

15 "said to me, "This pesa ngai radio" " is corrected by "said to me this, " pesa ngai

16 radio." "

17 RECLASSIFICATION REPORT

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

19 ICC-01/05-01/08-3038 and the instructions in the email dated 29 October 2013, the

20 version of the transcript with its redactions becomes Public.