

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 Wednesday, 23 February 2011

8 (The hearing starts in open session at 2.04 p.m.)

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

10 THE COURT OFFICER: Good afternoon, your Honours, Madam President. We are
11 in open session.

12 PRESIDING JUDGE STEINER: Good afternoon. Could, please, the court officer
13 call the case.

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

16 PRESIDING JUDGE STEINER: Thank you very much. I would like to welcome the
17 Prosecution team, the legal representatives of victims, the Defence team,
18 Mr Jean-Pierre Bemba Gombo, and to say good afternoon to our interpreters and
19 court officers. Unfortunately we could not have our hearing this morning, but
20 I -- we were informed that the witness is already feeling better and willing to continue
21 with giving his testimony. So I will ask, please, the court officer to turn briefly into
22 closed session in order for the witness to be brought into the courtroom.

23 *(Closed session at 2.06 p.m.) Reclassified as Open session

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

25 (The witness enters the courtroom)

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1 WITNESS: CAR-OTP-PPPP-0073 (On former oath)

2 (The witness speaks Sango)

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

4 (Open session at 2.06 p.m.)

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

6 PRESIDING JUDGE STEINER: Thank you very much. Good afternoon,

7 Mr Witness.

8 THE WITNESS: (Interpretation) Thank you very much.

9 PRESIDING JUDGE STEINER: We have heard that you were not feeling well in the
10 morning. Have you seen a doctor?

11 THE WITNESS: (Interpretation) You know, to testify before a court, you must be
12 in good health. I had heartburn and I reported this this morning, and as a result I
13 was given the opportunity to meet with a doctor and the doctor gave me some
14 medicine. After that, I rested for an hour and was able to see that there was
15 improvement.

16 PRESIDING JUDGE STEINER: So are you feeling better now and ready to continue
17 giving your testimony?

18 THE WITNESS: (Interpretation) Yes, I do feel fine to go on with my testimony.

19 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. We are going
20 to give the floor to the legal representatives of victims, Maître Douzima and Maître
21 Zarambaud, but before that I need first to remind you that you are still under oath.
22 Do you understand that, sir?

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

24 PRESIDING JUDGE STEINER: I also wanted to remind you that you are under
25 protective measures, that your image and voice broadcast outside the courtroom are

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1 being distorted meaning that the public cannot see you, or identify you, by your face
2 or by your voice. It is important, Witness, that when we are in open session that you
3 avoid mentioning --

4 THE WITNESS: (No interpretation)

5 PRESIDING JUDGE STEINER: It's also important, Witness, that in public session
6 you avoid mentioning names of family members, of neighbours, friends of yours, or
7 to give any information that can lead to your identification. Do you understand
8 that?

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

10 PRESIDING JUDGE STEINER: And finally, Mr Witness, if at any time you feel tired,
11 distressed, if you're not feeling well, or for any reason you want a break, please just
12 let us know and you can have as many breaks as you need. Is that fine with you, sir?

13 THE WITNESS: (Interpretation) Since I took the medicine, I rested for an hour and
14 I think I feel much better now.

15 PRESIDING JUDGE STEINER: But in any case, if you want us to go to a break, just
16 let us know.

17 THE INTERPRETER: The Sango into French interpreter says that the witness is not
18 abiding by the three-second rule.

19 PRESIDING JUDGE STEINER: Mr Witness --

20 THE WITNESS: (Interpretation) No, I say that forthright. It's just that this
21 morning I didn't feel well. I felt pain in my stomach and I mentioned that, and when
22 I was asked whether I could testify I said, "No, it would have been better to do so
23 tomorrow," but later on I was told that it was at 2 o'clock and that's why I'm here
24 now.

25 PRESIDING JUDGE STEINER: Thank you very much again. One last reminder,

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1 Mr Witness, is from the Sango/French interpreter. They are asking you to please
2 speak slowly and wait two, three, four seconds after the question is put to you before
3 starting giving your answer. In order for them to complete the translation, they need
4 some time. Is that fine with you, sir?

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

6 PRESIDING JUDGE STEINER: Thank you very much. So I'm giving the floor now
7 starting by Maître Zarambaud, who is as well your legal representative. Maître
8 Zarambaud, you have the floor.

9 MR ZARAMBAUD: (Interpretation) Thank you, Madam President.

10 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

11 Q. Good afternoon, Mr Witness.

12 A. Good afternoon.

13 Q. As I already said to you during the familiarisation process, I am Maître
14 Zarambaud Assingambi, I am a lawyer in Bangui, and the Court has appointed me to
15 be the legal representative of the victims in Bangui and its vicinity. And you indeed
16 belong to that category, the vicinity of Bangui.

17 The Court has allowed me to ask you some questions. Most of these questions, in
18 fact, have already been asked by the Office of the Prosecutor and you have provided
19 them with answers. Consequently, some of the -- I will not be asking you some of
20 those questions unless I deem it necessary to elucidate or confirm certain aspects.

21 My first question is this: On what date did the Banyamulengue arrive at PK12?

22 A. The Banyamulengue arrived in Bangui on 22 November 2002. That is the date
23 they arrived in Bangui.

24 Q. Thank you. What I would like to know now is how they -- what clothes they
25 were wearing, and this applies both to the actual clothes and their headdress, what

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1 they were wearing on their heads.

2 A. Thank you for that question. When they arrived, what were they wearing and
3 whether they were wearing military clothes, well, that would have been evident.

4 But in fact, as I have already said, their clothes -- well, for one soldier, well, there
5 might have been a scarf on his head. His T-shirt or the -- or he would be wearing a
6 sweater and his trousers might be jeans. He might be wearing sandals or gym shoes.

7 At the end of the cannon, they carried beads or scarves. "Batawali" is the word in
8 Sango, virtuous woman in French. That was their accoutrement as we observed it to
9 be.

10 Q. Thank you. Now, these military men, did they wear ensigns, emblems that
11 indicated what corps they belonged to in the army, or insignia of their rank,
12 pertaining to their rank?

13 A. No, they wore no insignia. You know, ranks are shown on shirtsleeves, but
14 there were no signs, no insignia. The only thing that allowed us to recognise their
15 head was the fact that they referred to him as such, but there was no sign that
16 indicated what his rank was.

17 Q. Thank you very much. Now, given that they were coming from far away,
18 were they carrying water bottles or dishes carrying their -- for carrying their food?

19 A. No, they weren't carrying that type of thing. When they arrived, they were
20 carrying nothing at all. They weren't carrying bags. They weren't carrying water
21 bottles, military bottles. What I could see they were carrying were weapons; that's
22 all I could see them carrying. They carried no bag, nor water bottle. They looked
23 as if they were abandoned military men. They didn't look as if they were people
24 about to attack. They were carrying nothing at all.

25 Q. Thank you very much. Now, these troops, were they made up only of adult

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1 men, or did they also include women or children?

2 PRESIDING JUDGE STEINER: Mr Witness. Maître Liriss.

3 MR LIRISS: (Interpretation) Thank you, Madam President. The question, to me,
4 seems to be a leading one. It is enough to ask what the composition of the troops
5 were.

6 PRESIDING JUDGE STEINER: Maître Liriss, I don't see a major problem in this
7 kind of question. It only facilitates the answer to be given by the witness. Such a
8 general question about the composition of the troop can be quite confusing for the
9 witness. We will allow the question. You can answer the question, Mr Witness.

10 THE WITNESS: (Interpretation) There were some women; there were five women
11 amongst them. One of the women had a child with her and one of the women was
12 carrying a child on her back; whereas, all the others were men. There were soldiers
13 aged 16 or 18 years old. I saw five women, one of whom was carrying a child.
14 That's what I saw.

15 MR ZARAMBAUD: (Interpretation)

16 Q. Thank you. You stated -- the reference is CAR-OTP-0051-0013. Sir, you
17 stated that the Banyamulengue had plundered, looted goods, and had them carried
18 using a wheelbarrow that had also been stolen by people who were taken as hostages,
19 and that their commander had given the order to stand in line along the road and
20 look eastwards. Did you personally see them?

21 A. Thank you. I did see that with my own eyes. That is where I lived; (Redacted)
22 (Redacted)
23 (Redacted) away from the main road. They were walking in single file.

24 When they came, there was some disturbance and people rushed out of their houses
25 to see them. One of the neighbours told me about this, and I, too, because of my

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1 curiosity, came out and went to the side of the main road to see them moving. I
2 heard them speaking the language of their country. They were in single file. They
3 grasped one another's hands and their leader gave them instructions in their own
4 language, asking them to look eastwards. They were carrying only their weapons
5 and nothing else, not a water bottle or anything else.

6 There was also a man that they had kidnapped and brought it from -- brought him
7 from the centre of town, the Gbangouma neighbourhood, and they were forcing him
8 to carry firewood for them. This person thought that once he had unloaded the
9 firewood, they would be releasing him. Unfortunately, they confiscated his pushcart
10 and asked him to leave.

11 Then they began to search and commandeer the houses in that area. After that, they
12 began to dig trenches. They had no machetes; they had no tools. They asked for
13 them on the spot. Once they had dug out the trenches, they placed their -- they
14 positioned their weapons towards the door. The weapons were aimed towards the
15 door. That's how they deployed themselves on the terrain.

16 Q. Thank you. Now, I had planned to ask you who the commander was, but you
17 have already answered the same question coming from the Prosecutor, so I won't be
18 repeating it.

19 You stated - and the reference here is CAR-OTP-0051-0015 - that the rebels established
20 their camp (Redacted) Did the
21 Banyamulengue not have tents in order to shelter in when they came to the Central
22 African Republic?

23 A. No, no, they didn't have tents. As I've already said here, they came with their
24 hands empty. They only had their weapons. What they commandeered was the
25 houses and they took over private property. They changed them into their bases.

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1 There was nothing. They had nothing. They came with their hands empty.
2 Everything which they had were things that they had managed to get in the field
3 from the neighbourhood.

4 Q. Thank you very much. You also stated - and this is CAR-OTP-0051-0015 - that
5 you heard them say, and here I quote you, "We should feed ourselves on the
6 battlefield. We will have to feed ourselves on the battlefield." What language did
7 they speak in when they said that?

8 A. Where it concerns this question about feeding on the battlefield, I would say
9 that it is true. They spoke Lingala. If they said that in Lingala, I wouldn't have
10 understood. But I can tell you here that some of them were able to speak Sango or
11 French, and that's how those who could speak French said, "We are going to -- we
12 have to feed on the battlefield." And having said that, it was when they started to
13 pillage the domestic animals from the population.

14 Q. Thank you very much, Witness. You stated also, CAR-OTP-0051-0037, and
15 namely paragraph 2 thereof, that the Banyamulengue had beaten you in the presence
16 of (Redacted) who pointed his pistol at your neck. What were the -- what
17 are the physical consequences of this?

18 A. You know, it was people who were armed. These armed people, well, they
19 had the strength. There was nobody who could intervene during these events.
20 Considering the way in which they behaved, these people were themselves the judge,
21 they were the police, they were the lawyers. These people imposed their law.
22 Nobody was there to reprimand them during these events. Even the officers, even
23 the FACA officers, hid because these FACA officers had no power, you see.
24 It was -- that was how they came to my house. My wife served them food and,
25 having eaten, they took beer on credit, and then one of them asked my wife to give

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1 them money. They had already got the money from her, or they'd already seen the
2 money from her small business which was at the bottom of her wrap, but they were
3 serious, these people. He seized my wife by force and they dragged her inside the
4 house, and when I saw that, I decided to follow my wife, risking my life. Two of
5 them prevented me from entering by pointing their weapons at me and, as a man, I
6 wanted to enter into the house but when I got inside, I saw my wife had been
7 knocked to the ground and she was having her money taken off her, all the money
8 that she had on her.

9 I asked her the question, or I asked the question why they came and I said to them, "I
10 thought you were people of good morals. I gave you food, I gave you drink and
11 now you need money, and my wife doesn't have it, and now you are treating her
12 badly and you're pointing your weapons at me. Is this a good way of behaving?"
13 And when I said that, I thought that would make them reflect.

14 Unfortunately, they beat me up, they hit me. They hit me in the chest, everywhere.
15 I fell on the ground because of the hits I was taking. (Redacted) he

16 knew very well. He was their accomplice. He entered into the house 15 minutes
17 after the start of the events. And when he entered, he got out a khaki-coloured pistol
18 which he put against me, my jaw, my cheek, and he said, "You're going to die." And
19 I said "Shoot. If you shoot, it's good. Leave my wife. Just shoot me."

20 Afterwards, he asked his troops to leave and then he put his pistol back, and he left
21 me on the ground. He returned to my wife, to ask her this question, "Maman." She
22 said, "How much money did they take from you?" She said, "They have taken 30,000
23 francs." And she said, "30,000 francs." And he said to my wife, "Maman, I'm going
24 to get this money to bring it back." And he left to get the others from where they
25 were. They were taking their time, drinking alcohol, and they were in no way

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1 ashamed of this. This is what was going on during the day. And everything that I
2 have just said to you happened one week after they arrived.

3 The next day there was another event, but the first day when they came to my house,
4 that is what they did. And in particular, what (Redacted) did.

5 Q. Thank you very much for having reminded us amply of what you've already
6 said with regards to how events took place. My question was, rather, if, after the
7 hits that you had received or the blows that you received, did you feel or do you still
8 feel physical consequences as a result thereof?

9 A. This beating up, well, I was beaten savagely. I was knocked to the ground and
10 they beat me with the butt of their weapons. And when they withdrew, my wife
11 and I, we were on the verandah and my wife got up to make some coffee for me.
12 Your question, it's welcome. In the morning, what did I do? Well, the next day I
13 went to pay. I went to pay for something to massage my body, some ointment, some
14 balm, because I still felt a lot of pain, particularly inside my stomach.
15 Then all of a sudden I noted the presence of a hernia and I went to hospital in order to
16 have a consultation with a doctor. I consulted the doctor, (Redacted)
17 in the community hospital and he asked me the question of what it was due to, and I
18 told him everything that I had experienced, and I had this illness but because I was
19 not able to buy medicine from the chemist, I had to treat myself traditionally. I
20 could not or I didn't have the money to pay for medical examinations that the doctor
21 asked me to pay for, and that's why I still have this illness with me today. My eyes
22 hurt, my veins, as proved today. I went to the doctor today and he gave me
23 medicine to help me, to relieve me.

24 Q. Thank you very much, Witness. This will be my last question: You stated
25 that you had seen Mr Bemba when he arrived in PK12. The reference is

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1 CAR-OTP-0051-0049-0050. By what means did he arrive, by what means of
2 transport? How was he dressed?

3 A. Thank you very much, counsel. I was asked how he came. It's normal to ask
4 me this question. On that day, I was living in PK12. I had my house there. I
5 wasn't anywhere, but in the confused situation one could go to get information. One
6 day a friend came to see me to ask me to accompany him to the school in order to see
7 the person who was meant to arrive, and I said, "Well, what person are you talking
8 about?" He said, "Bemba." He had heard Bemba being spoken about. I no longer
9 remember the exact date, but what I can say, or what I do know, is the years and the
10 months. Finally we crossed the main road, because at the school there these troops
11 who had established their base at the school had already taken up positions. They
12 were very numerous. The colonel also, the colonel who was commanding them, he
13 was present too at the school. My friend (Redacted) we
14 crossed the maternity in the morning, or we crossed the maternity to go over to the
15 dispensary by a large tree. I can't remember what uniform they were wearing, but
16 there was somebody who pointed out to us that it was him who was there. It's
17 brown.
18 When we arrived to the main road, people were there. They were going to buy
19 things, buy articles and goods, which they would bring home. We stayed on the
20 main road, which goes to Boali. All of a sudden, we saw -- we noted the presence of
21 the presidential guard. The presidential guard were there. They accompanied him
22 to a vehicle with a "PR" registration. He was escorted by the presidential guard of
23 Bangui. They crossed the checkpoint to go towards the school, and when he
24 went -- when he got off, the presidential guard, the Central African presidential guard,
25 they ensured his protection, and his troops as well, they were also present.

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1 We stayed somewhat further away in order to observe what was happening, or what
2 was going to happen. It was an event for us, seeing the person who was meant to
3 arrive. A lot of people in PK12 were present, because the person who was meant to
4 come was very famous and everybody absolutely wanted to see him. He went to the
5 verandah and he spoke to them there on the verandah. I can't tell you exactly what
6 they were talking about. What I can say is that it didn't last for a long time. He left
7 after a short while.

8 When we are in our neighbourhood, when there are noises, there was a large lorry
9 which had come from the town centre and those who were in the neighbourhood ran
10 to take this lorry in order to go to the precise place on the Boali road where there was
11 fighting. And when they went some people died, because they didn't know the area,
12 the field, and sometimes they came back in the evening, around 1800 hours, 6 o'clock,
13 so some of them said that there had been heavy losses. There were soldiers who had
14 died and he had to go -- he had to see the teams of his soldiers who had fallen in
15 battle. He wanted to render homage to them, or at least see what had happened.
16 So afterwards they didn't stop. They continued in the direction of the town centre.
17 That is with regard to the question that you put to me. What I've said is what I saw.

18 MR ZARAMBAUD: (Interpretation) Thank you very much, Witness. I said it was
19 my last question. I would like to thank you, therefore, for having been so kind as to
20 answer all of my questions.

21 Your Honour, I would also like to thank you for having given me the opportunity to
22 take the floor. I have finished, thank you very much.

23 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud. Court officer,
24 could we please go very briefly into private session.

25 *(Private session at 2.52 p.m.) Reclassified as Open session

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

2 PRESIDING JUDGE STEINER: Thank you. It's just a reminder to all parties and
3 participants and to the witness as well. During this first half-an-hour the Chamber
4 had to order a number of redactions in the public broadcast, because names were
5 mentioned in the questions - in some questions - and names were mentioned in the
6 answers. Because of the number of redactions we don't have broadcast until now, so
7 delayed it is in order for the redactions to be implemented. I would really almost
8 beg to the parties and participants to avoid mentioning names that can lead to the
9 identification of the witness, of neighbours, of family members.

10 Do you understand that, Mr Witness? It is for your protection. You need to help us
11 to protect you and your family. Do you understand that?

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

13 PRESIDING JUDGE STEINER: Thank you very much. I'm seeing the questions
14 prepared by Maître Douzima. Apparently at least in the questions there are no
15 major problems, so we are going again into open session. Please, Mr Witness, do not
16 mention the name of (Redacted), or the name of (Redacted) Do you
17 understand that?

18 THE WITNESS: (Interpretation) Yes.

19 PRESIDING JUDGE STEINER: Thank you. We can go into public session.
20 (Open session at 2.55 p.m.)

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

22 PRESIDING JUDGE STEINER: Maître Douzima, you have the floor.

23 MS DOUZIMA-LAWSON: (Interpretation) Thank you very much, your Honour.

24 QUESTIONED BY MS DOUZIMA-LAWSON: (Interpretation)

25 Q. Good afternoon, Witness.

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1 A. Good afternoon.

2 Q. I am Counsel Douzima, I am a lawyer and the legal representative of victims in
3 these proceedings. As my counsel is Counsel Zarambaud -- as my colleague
4 Counsel Zarambaud is, we are there to represent victims in this regard and we are
5 responsible for presenting the views and concerns of the victims admitted to
6 participate in these proceedings at the Court. That is the reason why we have
7 asked the Court for leave to ask you questions, not because we do not agree with
8 what you have said and not because we do not believe you. It is just in order to help
9 you help the Court with regards to clarification as to the events which are the subject
10 of these proceedings, and that is the reason why I intend to ask you questions both
11 about your testimony before the investigators of the Prosecutor in 2009, as well as
12 with regards to your application form for participation in the proceedings, which you
13 read here yesterday morning, and also with regard to certain explanations that you
14 have already given either to the Prosecutor, or to the Chamber.

15 Now, first of all referring to the record CAR-OTP-0051-0020, you stated that the
16 soldiers of the MLC dug large holes in front of the houses that they were occupying,
17 and I would like to know if that was the first time that you saw soldiers dig holes
18 within the framework of their mission?

19 A. I never saw that. Since we have been living in this neighbourhood, or this
20 town, I never saw soldiers acting in this manner. The first time was when they
21 arrived and they started to dig -- they started to dig trenches, but perhaps the national
22 forces did it during their secondment. I don't know, but the first time I saw that was
23 when you had the troops who came. They started to dig trenches.

24 Q. Thank you. At page 0051-0014 of that same record, you talked about the
25 commander who was giving orders to the Banyamulengue and they went to your

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1 house. Could you describe the corpulence of the commander to us, please?

2 PRESIDING JUDGE STEINER: Without mentioning names, please.

3 THE WITNESS: (Interpretation) I understand. Well, he was of average size and
4 he had a strong build. He was -- his skin was brown.

5 MS DOUZIMA-LAWSON: (Interpretation)

6 Q. Thank you. On this very same page you were speaking about the arrival of the
7 Banyamulengue, and you said that when one looks at them one could automatically
8 say that they were the rebels coming back from the battlefield. Now, my question is:
9 How does one recognise rebels who are returning from the battlefield?

10 A. Soldiers that have been at the front and who return from there, well, you know
11 their clothes are dirty, they have dust on their clothes, and it is enough to just look at
12 them to assume that they were involved in clashes. And you know just by looking at
13 them. Even a child might draw that conclusion with difficulty, but for an adult, well,
14 it was frightening. People were frightened.

15 As soon as they arrived, they were identified as coming from the other side of the
16 river because they spoke Lingala. The women went back into their houses, saying
17 that those men from the other side of the river are ferocious. How can soldiers that
18 have arrived have no -- how is it that they have no equipment, no utensils? Simply
19 looking at them showed that they didn't look like soldiers.

20 Q. I now want to go on to your application to participate in the proceedings, on
21 page 9 thereof, and here you mention the attack of 25 October 2002. What actually
22 happened on 25 October 2002?

23 A. What happened on 25 October 2002? All that happened on that date -- it
24 wasn't until afterwards that the rebels arrived on 25 November 2002. But what
25 happened then? The former president of the Republic, the bearded one, well, we

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1 were at PK12.

2 Things had not come to a halt, and towards 11 o'clock we heard explosions from
3 heavy artillery and everybody wondered what was going on. We could hear these
4 explosions that were intensifying. People were generally scared. Everybody had
5 left the marketplace; it was deserted because of what I am describing to you, these
6 shots from weapons.

7 Those who came from the centre of town had directed their cannons at PK12,
8 tree -- roofs and branches of trees. There were shots from kalas; there were empty
9 cartridges. They were falling on the ground all over the place, as if it was sand. It
10 was really a difficult situation.

11 After that there was a lull and we -- on 25 October the situation had become
12 intolerable and, therefore, somebody I knew advised me to go out, going along the
13 hills, to take shelter on the road to Damara. And when we reached the Sö bridge,
14 close to the Damara road, the current Head of State, well, we saw him passing by.
15 He was in a convoy comprising three vehicles. He was escorted by the soldiers
16 following him.

17 Now, that meant that the opposing troops, the enemy troops, were stronger. And
18 seeing that his life was in danger, he decided to withdraw. Before withdrawing, he
19 called on the young people in the neighbourhood who would follow him. It is not a
20 good thing to get foreigners to come to shell the population, and that is how some
21 young people decided to follow him and his rebellion. In this way he withdrew, and
22 that was before 25 October. That's what happened at PK12 before 25 October.

23 Q. Actually, my question related not to events before 25 October, but the day of
24 25 October, which you mention in your application when you described those events.

25 A. So you are talking about events after 25 October?

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1 PRESIDING JUDGE STEINER: Mr Witness, please. Mr Witness, please. Maître
2 Liriss.

3 MR LIRISS: (Interpretation) Madam President, it is sufficient to look at the
4 document on the screen. The witness is talking about the events of 25 October, not
5 events prior to 25 October. It seems to me that the legal representative of the victims
6 wants to enlighten the witness about some particular event she is thinking of.
7 Inasmuch as in the document talks about the events on 25 October, she cannot imply
8 that they actually took place before 25 October.

9 PRESIDING JUDGE STEINER: Maître Douzima, maybe if you read from the
10 application exactly the sentence, the first sentence on section D, paragraph 1, and ask
11 the witness only to explain what he meant by that, without suggesting what could it
12 be. Would you prefer that we put on the screen the page of the application?

13 MS DOUZIMA-LAWSON: (Interpretation) Madam President, I think actually the
14 confusion comes from my learned friend on the other side. The witness himself has
15 not understood my question. He was the one to make -- to refer to events before
16 25 October. That's why I reminded him that my question actually relates to the
17 events on that day, 25 October, as he describes them in the application. So it was not
18 I who spoke about before 25 October events.

19 PRESIDING JUDGE STEINER: I understand your point. So you can please repeat
20 your question, precising what the witness meant by "à la suite de l'attaque de 25
21 octobre 2002."

22 MS DOUZIMA-LAWSON: (Interpretation) Thank you, Madam President.

23 Q. Witness, I am going to re-state my question, because I can see that you didn't
24 understand it properly earlier on. In the form applying for participation on page 9,
25 and I read this -- I'll read what you said, "following the attack of 25 October 2002," so I

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1 want to know what attack you are talking about which you say occurred on
2 25 October 2002.

3 A. Well, that's what I said. What were the attacks like? I experienced these
4 attacks and I remember them very well. The attacks took place in our
5 neighbourhood. Now, what were these attacks like?

6 Before 25 October 2002, before that date, as you quite rightly said, before that date
7 there were attacks conducted by the CEN-SAD troops. These attacks were
8 conducted against the current president. They had come with armoured vehicles.
9 Those were the first attacks I experienced, and this was happening before these
10 people arrived. That is what I was referring to.

11 Q. Thank you, Mr Witness. Now, following that you also said, "which
12 encouraged the attack on PK12 by the MLC soldiers of Mr Jean-Pierre Bemba Gombo
13 on 29 October 2002. On 30 October the MLC soldiers forced their way into my
14 house." So this is the problem. During the investigation - the reference is
15 0051-0013 - you stated, "They arrived here on 29 November 2002." Where did they
16 arrive on 22 November 2002?

17 A. Which troops arrived on the 29th, please? This needs to be -- this question
18 needs to be made clearer so that I can answer you. I told you about what I
19 experienced. The rebels that came across the river, as far as I know -- well, I was
20 living at PK12. I was living at PK12 so I wasn't in the centre of town. I wasn't able
21 to see them crossing, but I did see them on 22 November. The 22nd. I don't know.
22 Well, I wasn't in the centre of town. Were they -- was it 25 of October that the men
23 crossed the river to get into the centre of town? Well, I'm not in a position to say, but
24 once they had crossed the river, these people - these people - after crossing did not
25 attack anybody.

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1 When they got to PK12 there was no fighting. But when you talk about 25 October
2 2002, that's no doubt an event that I personally didn't -- wasn't a witness to. What
3 I know is that these people arrived on 22 November 2002. We were at PK12 and
4 these people arrived there at PK12.

5 Q. Thank you, Witness, but there is still some confusion in my mind because
6 yesterday, on the transcript ITT page 23, line 27 to 28, and you -- where you say,
7 "When they arrived in our territory, automatically they went to PK12." So my
8 question is this: Did they automatically go to PK12 as soon as they arrived in Bangui,
9 or else was it a few days later?

10 A. I didn't see them crossing the river. We lived at PK12. On 22 November 2002,
11 as far as I know, these people arrived at PK12 on 22 November 2002. Now, had
12 these people arrived on the 18th, the 20th or the 22nd and had they stayed in the
13 centre of town to do other things, well, that I cannot say. What I can say is that those
14 people -- you know, I wasn't in the centre of town to see what they were doing.
15 What I can assert is that these people arrived at PK12 on 22 November 2002, and I
16 wasn't the only person to see that. There are other witnesses who could have
17 confirmed this. I can only talk about what happened starting on 22 November 2002
18 and onwards.

19 As for what happened prior to that date, the 22nd, whether or not these people came
20 and did other things before they went on to PK12, well, I'm not in a position to say.
21 That's what I want to get across.

22 Q. Thank you, Witness. That is now clear.

23 PRESIDING JUDGE STEINER: I am sorry to interrupt you. I'm glad you
24 understood, because I didn't. So I need some clarification from the witness. Very
25 objectively. You are saying that they arrived at PK12 on 22 November 2002, and in

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1 your application you said that you and your family were attacked on 30 October.

2 Could you please clarify whether we are talking about October, November, or there is
3 some misunderstanding on that?

4 THE WITNESS: (Interpretation) Thank you. In any case I don't recognise this
5 date of 25 October. When they crossed the river, did they fight in the centre of town?
6 Did they destroy anything there? Well, that I cannot say.

7 In my statements I refer to 22 November 2002. I am not a child. I do remember
8 these dates. And with our neighbours, we said to one another, "Those people who
9 listen to us -- don't -- be careful. Don't make any mistakes about dates." That's
10 what we said to one another. So that date is the one that we retained as being a
11 lesson, as it were.

12 But if now you talk to me about 29 November, I say an outright no. I don't think I
13 gave that date, 29 November. What I spoke about was 22 November 2002.

14 PRESIDING JUDGE STEINER: Thank you, Mr Witness, but maybe there was a
15 translation problem. I didn't mention 29 November. I just mentioned that in your
16 application you said you were attacked on 30 October. These are the two dates that I
17 don't understand. Could you please clarify which day they arrived in PK12 and on
18 which day your family were attacked?

19 THE WITNESS: (Interpretation) Thank you. They arrived on 22 November 2002.
20 In the meantime, between 22 November and 4 October, for a week, I said in my
21 statement that when they arrived, they didn't immediately commit abuses the very
22 first day. I was attacked a week after they arrived. So from the 22nd to the 30th,
23 that's more or less a week if you calculate that. That's what I said. But I didn't
24 mention the 29th, which coincides or was said to coincide with their arrival. When
25 they got there the first day, they didn't do any -- commit any abuses, they didn't beat

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1 anybody. All they did was look for food and it wasn't until after a week that they
2 began to commit abuses. That's what I want to say.

3 PRESIDING JUDGE STEINER: Maître Douzima, you can continue, please.

4 MS DOUZIMA-LAWSON: (Interpretation). Thank you, Madam President.

5 Q. Witness, I would like to ask you -- well, you were told that the Banyamulengue
6 had crossed the river to get to Bangui. When was that?

7 A. What I said was that I do not acknowledge that I said that the Banyamulengue
8 had crossed the river when I was there, when I was present. No, I wasn't present.
9 When they crossed I wasn't there. What they wore I cannot say because I myself was
10 at PK12. It wasn't until after they crossed the river that they reached PK12. If I had
11 seen them, yes, but I repeat, when they crossed the river I was at PK21. It was 7.30
12 or 8. That was when we saw that they were arriving in single file and in fact that
13 aroused the curiosity of all the inhabitants, and my friend and myself went there to
14 look at them. They were coming along in single file and there were many of them.
15 But I cannot say to you when exactly they crossed the river. As far as I know, I know
16 that they arrived at PK12 on 22 November 2002. Somebody can go from one place to
17 another and you don't know exactly on what date they leave to go to some other place.
18 That's all I can say.

19 Q. Thank you very much, Witness. Let me return once again to the application,
20 your application for participation, on page 10 thereof, concerning the person who was
21 responsible for the events that you had undergone. You designated Mr Jean-Pierre
22 Bemba Gombo, who allegedly gave instructions to his men to only respect President
23 Patassé, whereas all the other civilian population must be threatened, raped, and
24 plundered. How do you know that Mr Jean-Pierre Bemba gave those instructions to
25 his men?

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1 A. When the soldiers came across and entered the city, well, Bemba himself did not
2 cross the river with them. He wasn't there with them. Bemba was not around
3 when they reached PK12. So I say that Jean-Pierre Bemba was behind as well, that's
4 true. They are his men. They -- he was the one to command them. I think - I
5 believe - that, even if there was someone else as regards my family and myself and
6 considering what his men said, we deduced that he himself had sent them into the
7 field. That's what I was trying to convey.

8 Q. Thank you very much. Now, still looking at the application form, namely page
9 11 thereof, when it concerns the harm that you suffered, you stated that the
10 Banyamulengue beat up your wife until she died thereafter, but on Monday in the
11 hearing, French transcript, edited version, page 9 thereof, lines 7 to 8, you stated that
12 she died three years ago; three years ago and four months. If you make the
13 calculation this was in 2008, while the events took place in 2002; that is to say nine
14 years ago. So how can you explain that it is -- it was as a result of having been
15 beaten up by the Banyamulengue that she died? And I would ask you not to give
16 the name of your wife. We know what her name is already.

17 A. I would like to thank you, counsel. You know, it's not good to lie. I didn't
18 come here before the Court to lie. When the rebels came, I didn't say that the
19 Banyamulengue beat up my wife. I didn't say that the Banyamulengue killed my
20 wife. They didn't beat her up with their rifle butts. If there's truth to be said, it has
21 to be said. It has to be said clearly before God. What I said is that they kicked her,
22 she fell and, because the Banyamulengue were targeting her money, they grabbed her
23 money to get it and they didn't hit her with their rifle butts, or anything like that.
24 The money that was taken, well, I'm not going to say they took 200,000, 300,000, no.
25 The Banyamulengue in question only took 30,000 but, because everything was

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1 happening in a state of chaos, it's true they took small things, they took drinks, they
2 took beer that was in stock. They took these small things; small items. I told you
3 that my wife was elderly and after these events she would reflect. She felt
4 dispossessed, she had concerns and the next day she got up again, she could go to the
5 fields to try and find food for us. She was okay. She complained and she proposed
6 to me that I find additional remedies to treat me, because the wounds that I had
7 they -- it wasn't healing properly. She fell ill regularly. I had biological
8 examinations, typhoid fever. The result was negative. She didn't remember. She
9 only spoke about the money that was taken from her. She said, "Look, these men,
10 they came and I made food for them, but God will judge," and every time she said
11 that she got angry. And I said, "No, my wife, that's already happened. We have no
12 power. You have to forget that." But the illness that she died of, somebody who
13 has suffered the most aggression of the Banyamulengue, that was me. She wasn't
14 attacked as such, but she had concerns. She complained, she reflected a lot on it and
15 one of her sisters, her family, they gave her advice; her older sister. She didn't fall ill
16 in December 2002, no. It was only in December, January, February that she started
17 to have a fever. She had a blood pressure problem, high blood pressure, low blood
18 pressure, and it was only in 2008 that she died.

19 THE INTERPRETER: The interpreter corrects: He stated 2005 that she died.

20 MS DOUZIMA-LAWSON: (Interpretation)

21 Q. Thank you very much, Witness. Now, with regards to page 11, you stated that
22 they raped your daughter, who was a minor, and I would like to repeat here that you
23 mustn't give the name of your daughter. We already know that. And so they
24 raped your minor daughter and they caused serious harm to her and the results of
25 that will be with her for the rest of her life. Now, in yesterday's hearing, this is the

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1 real-time French transcript on page 12 thereof, lines 8 to 9, you stated that you
2 supposed that it was with the consent of your daughter that the two did that. Why
3 do you consider that it was rape?

4 A. We spoke about consent. Yes, that's what I said.

5 THE INTERPRETER: "I spoke about consent," repeats the witness.

6 THE WITNESS: (Interpretation) You know, you have a daughter. It's not two or
7 three Banyamulengue who raped her, not even two. There was one; one of them.

8 This was a young person. It wasn't two or three adults who raped her.

9 But how did it happen? Well, she was selling fritters, and 200 francs, 300 francs, 200,
10 300, she was selling and people were taking credit and they weren't paying. And
11 she said, "No, this is trade. This is business." But somebody who comes regularly
12 to the house, "Hello, maman, this is my wife. I want to marry her," that -- it was like
13 that. It was a bit sort of joking. I didn't know exactly what the objective of this man
14 was.

15 He called her, asking her to bring his -- him fritters for his breakfast, and when she
16 took these fritters I wasn't there. I wasn't present. She went there. If in the
17 meantime she -- he was talking to the girl, perhaps at that time she was consenting, or
18 maybe she was afraid. They did have sexual relationship -- have sexual relations.
19 That's how it was. You're speaking about consent. I'm saying, yes, that's a
20 consensual act if the woman agrees that there are sexual relations.

21 When my wife spoke about it I said I could do nothing, and she was concerned
22 because it would appear that this person had a sexual -- sexually transmitted disease
23 and he could contaminate the girl. And I said, "This doesn't concern me. It's lost.
24 I mean, you can't complain to anyone." This is what I said. I never said it
25 was -- but it was never an issue of two or three people, no. It was one sole person.

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1 Q. I understood you well, but I didn't say that it was several people who slept with
2 your daughter. It was with regards to your statement. You spoke about the
3 after-effects that will be with her for the rest of her life, and what exactly do you mean
4 by such after-effects?

5 A. If she had undergone biological examination to see if the examination was
6 positive or negative, if it was the case it would have been good. She never went to
7 hospital for such tests. If I had the results I would have been able to present them
8 and say, "Look, these are the results of the tests," but she never went to hospital for
9 them.
10 Now, her state of health currently is normal, but I don't know. That took place in
11 2002. Now we're in 2011. She's in good health. Perhaps with time she will have a
12 disease which will start all of a sudden, I don't know, but if she had had such tests, or
13 consulted a doctor, then at least you'd know. That's what I can tell you in this
14 regard.

15 Q. Thank you very much. Now, where it concerns your daughter, I would like to
16 understand something. Yesterday - and this is French transcript page 24, lines 15 to
17 18, real-time version - you said that you had committed an error, made a mistake,
18 when you spoke about 17 years of age and that your daughter who had been raped
19 had been 10. I would like to know if at the time you were questioned in 2009 was
20 she 17 then? In 2009, not in 2002.

21 A. The investigators came to Bangui on the 27th. They came on 27 August
22 2008 -- 2007, I think. It was on that date that they arrived, and they invited me and
23 they asked me the age of the daughter. And when the second team came to Bangui,
24 I confirmed this date.

25 This act took place during the month of December; it wasn't in November. Where it

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1 concerns her age, 17, as I had said, it was a mistake. I just answered the question
2 without hesitating, or reflecting, but she was born in '92 so I said 17 years. Now,
3 perhaps I didn't reflect well enough. But, you know, a girl - and this was my
4 daughter - 8, 9, they get pregnant. These are events that happen.
5 Now, if at the age of 10 somebody starts to act in this way, I had no power, no
6 possibility to intervene with regards to what this girl was doing. But given the
7 behaviour of the girl I recognise today, that is totally different. If the person had
8 sexual relations with her--

9 THE INTERPRETER: The Sango interpreter did not hear the last sentence of the
10 witness.

11 MS DOUZIMA-LAWSON: (Interpretation)

12 Q. Witness, please, could you be so kind, when you answer the questions, to speak
13 directly into the microphone to make it possible for the interpreters. I was saying,
14 Witness, that when you answer the questions, please, could you speak directly into
15 the microphone so the interpreters can hear you and interpret into the different
16 languages. Have you understood me?

17 A. Yes, I certainly have.

18 Q. Thank you very much. You said that it was your wife who gave you all this
19 information with regards to the sexual relations of your daughter with the
20 Banyamulengue who deflowered her. Did your wife tell you how she found out
21 about that?

22 A. Yes, she told me how she found out what had happened. And how did show
23 find out? Well, it wasn't somebody -- it wasn't a third party who came to tell her, it
24 was my daughter herself. She said that to her mother. It was she who told her
25 mother, you know, perhaps when she heard the soldier's proposal to pay a dowry of

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1 500,000 francs because she was young.

2 Why did she say it to her mother? Because when she saw the young man, it wasn't
3 in sight of the parents or with the knowledge of the parents. Young girls trust their
4 mothers and they have a relation of confidence with their mothers, and fathers only
5 find out when they're pregnant. So she said to her mother that this man, when he
6 bought her things or food, that he slept with her. She said that to her mother, her
7 mother told me, and I told her, well, because she consented to have a sexual
8 relationship, what can I do?

9 What I said was that she had to be careful because there are sexually transmitted
10 diseases. It's not a third party who informed the mother, but the daughter, my
11 daughter herself, she told this in confidentiality to her mother.

12 Q. And what was the reaction of your wife?

13 A. She didn't react. She thought that I would react, but herself -- I mean, I wasn't
14 there when the daughter was talking to her, was taking her into her confidence. I
15 didn't see a particular reaction on her part. When she told me about these matters, I
16 just said, "But these events, these events have already occurred. I'm just afraid of
17 this disease. We have nothing. We have -- we just have to pray that she didn't
18 contract a disease." But if that's the case, certainly her life would be in danger in that
19 case.

20 Q. Thank you very much. Do you understand Lingala?

21 A. I do not understand Lingala.

22 Q. Okay. In the statement, 0051-0015, and here I'm talking about the last
23 paragraph thereof, you stated that the Banyamulengue called people, saying, "yaka,"
24 and that "yaka" meant "come here." How did you know that?

25 A. Things happened publicly. You know, these people who came, they didn't

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1 speak Sango. If they spoke Sango, they would say in Sango "Ita ga si," and that
2 means, "My brother, come." But this person said, "Yo, yaka," "Come." And this
3 person said, "Pesa ngai." It was in that way that they said, "Yea, pesa ngai,
4 mamamala (phon)." This was a way of asking for water.
5 It was in that way we heard them speaking; their way of speaking to somebody, their
6 way of greeting somebody. It was -- yeah, it was very run of the mill. We heard
7 these people speaking Lingala and that's how I knew that this person spoke Lingala.
8 MS DOUZIMA-LAWSON: (Interpretation) Your Honour, I do have a series of
9 questions to put to the witness, but I see that we are running out of time. I don't
10 know if we have to suspend now, or not.
11 PRESIDING JUDGE STEINER: Thank you, Maître Douzima. Maybe it's better if
12 we continue tomorrow morning since we cannot go further than a two-hour hearing.
13 So you can continue tomorrow morning, if it's fine with you.
14 MS DOUZIMA-LAWSON: (Interpretation) That's fine with me, your Honour.
15 PRESIDING JUDGE STEINER: Thank you very much. Mr Witness, we are now
16 adjourning this hearing for today. You need to take some rest. We hope that
17 tomorrow you are feeling even better and that we can have the whole, the full day
18 hearing as usual. We all wish you a very, very nice evening, that you have a restful
19 night, and that you don't need to see any more doctors or to take any more
20 medication. This is what we hope for you but, in any case, thanks for being available
21 to come this afternoon.
22 I would like to thank very much the Prosecution team, the legal representatives of
23 victims, the Defence team, Mr Jean-Pierre Bemba Gombo. I would like to thank very
24 much our interpreters and our court reporters.
25 We are going to adjourn. I'm asking the court officer to turn into closed session in

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1 order for the witness to be taken outside the courtroom and, as soon as we are in
2 closed session, we will adjourn and we will resume tomorrow morning at 9.30 in the
3 morning.

4 Court officer, please.

5 *(Closed session at 3.59 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 (The hearing ends at 4.00 p.m.)

10 RECLASSIFICATION REPORT

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

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

13 version of the transcript with its redactions becomes Public.

14