

Trial Hearing

(Open Session)

ICC-01/05-01/08

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Situation: Central African Republic

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

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

6 Judge Kuniko Ozaki

7 Trial Hearing

8 Friday, 21 January 2011

9 (The hearing starts in open session at 9.34 a.m.)

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

11 Please be seated.

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

13 in open session.

14 PRESIDING JUDGE STEINER: Good morning. First could, please, the court officer

15 call the case.

16 THE COURT OFFICER: Yes, Madam President. Situation in the Central African

17 Republic, in the case of the Prosecutor versus Jean-Pierre Bemba Gombo, case

18 reference ICC-01/05-01/08.

19 PRESIDING JUDGE STEINER: Thank you very much. I would like to welcome the

20 Prosecution's team, legal representatives of victims, the representative of VWU that is

21 present in the courtroom, the Defence team, Mr Jean-Pierre Bemba Gombo, our

22 interpreters, court reporters. We can immediately start, or resume, this session with

23 the questioning -- the continuation of the questioning of Witness 23, and for that

24 purpose I ask the court officer, please, to go very briefly into closed session in order

25 for the witness to be brought into the courtroom.

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(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0023

1 (Closed session at 9.37 a.m.) Reclassified as Open session

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

3 (The witness enters the courtroom)

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

5 (Open session at 9.38 a.m.)

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

7 WITNESS: CAR-OTP-PPPP-0023 (On former oath)

8 (The witness speaks Sango)

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

10 THE WITNESS: (Interpretation) Good morning, your Honour.

11 PRESIDING JUDGE STEINER: Did you manage to rest well overnight?

12 THE WITNESS: (Interpretation) Yes, I had an opportunity to get a good rest.

13 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony
14 today in this court?

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

16 PRESIDING JUDGE STEINER: Thank you, Mr Witness. I would like to remind
17 you that you have protective measures in place, that your image and your voice are

18 being distorted outside this courtroom so that the public cannot identify you by

19 seeing your face or by listening to your voice. I need also to remind you that you are

20 still under oath, which means that you continue under the obligation to tell the truth.

21 Do you understand that?

22 THE WITNESS: (Interpretation) Yes, I've understood.

23 PRESIDING JUDGE STEINER: So, therefore, we will continue this morning with
24 your questioning by the Prosecution. The Prosecution has the floor.

25 QUESTIONED BY MR BIFWOLI: (Continuing)

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(Closed Session)

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Witness: CAR-OTP-PPPP-0023

1 Q. Good morning, Witness.

2 A. Good morning, sir. Good morning, everyone.

3 Q. Today we will proceed from where we left yesterday and, as Madam President
4 has pointed out, we are in open session and I ask that, when answering my questions,
5 do your best not to say anything which may identify you and I, too, will caution
6 myself of this. Do you understand?

7 A. I understand that.

8 Q. Sir, I would like now to direct your attention to the events of October 2002 to
9 March 2003. Could you tell the Court what, if anything, was happening in the
10 Central African Republic during the period October 2002 to March 2003?

11 A. Those events started in October 2002 and continued until the year 2003. What
12 happened was that there was between the chiefs of state and Mr Bozizé a
13 disagreement. They didn't get along. There was a whole series of rebellions.
14 Their disagreement began after these various rebellions. The quarrelling or the
15 disagreements started between them, and then Bozizé went into the bush and then he
16 came back as a rebel.

17 Q. Sir, who are you referring to when you say "the chief"?

18 A. The Head of the State at the time during those disturbances was President
19 Patassé.

20 Q. And, sir, you mentioned that you had a disagreement with Bozizé. Where did
21 Bozizé flee to?

22 A. When President Bozizé fled, he headed towards Damara and he went by way of
23 Sibut and then towards the border.

24 Q. Can you explain in greater detail what was happening between Patassé and
25 Bozizé?

1 A. Thank you. What happened between Bozizé and Patassé was that after a
2 problem that had to do with the former president who is no longer with us,
3 Mr Kolinga, when Patassé and Bozizé agreed to drive out Kolinga, after that there
4 was a disagreement between the two of them. We are farmers. * That day we were
5 in the village, and suddenly fighting began in Ngola, which is right in PK10.
6 Soldiers of Patassé's forces wanted to arrest Bozizé and the people who supported
7 him opposed them, so * the CEMAC soldiers intervened and this allowed Bozizé to
8 flee towards the village.

9 Q. And, sir, which month was it did this fighting break out at PK10?

10 A. It started in April. I'm still speaking of the year 2002.

11 Q. A short while ago, when I started questioning you, you mentioned the events of
12 October 2002 to 2003. Now, if I may take you to this time period, apart from Bozizé
13 and Patassé, was there any other armed group involved in this conflict?

14 A. Thank you for your question. Yes, there were other armed groups that were
15 involved in the fighting.

16 THE INTERPRETER: Correction: The conflict. For example, the soldiers who
17 came from the other side of the river, the Banyamulengue.

18 MR BIFWOLI: Q. Witness, what do you mean by "the other side of the river"?
19 Where do you refer to?

20 A. I meant by "the other side of the river" -- you see, there is a brother there.

21 I don't know whether he is the vice-president, or the president, I don't know, but his
22 name is Jean Bemba. Is that his name? I'm not quite so sure. I ask -- I beg your
23 pardon. That name was known by everyone and even when they went to Begoua he
24 was seen, even though he couldn't see us, but we saw him.

25 Q. Sir, do you know who was the leader of the Banyamulengue?

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1 A. The leader of the Banyamulengue is Jean-Pierre Bemba, who is the leader on the
2 other side of the river.

3 Q. And how did you know that Jean-Pierre Bemba was the leader of the
4 Banyamulengue?

5 A. I know that because, when the conflict began between President Patassé and
6 Mr Bozizé, those Banyamulengue intervened to provide assistance to Patassé. So we
7 asked ourselves, "Where do these soldiers come from," and we were told that they
8 were the soldiers of Jean-Pierre Bemba who have come to assist Patassé to drive out
9 Bozizé.

10 Q. Witness, who gave you this information?

11 A. Everything that we say here is not to be known from the outside world, but
12 those around us, the walls have -- everyone has ears. The soldiers surrounding the
13 president told their family members, and we, who didn't have relatives amongst the
14 soldiers, we learnt of this from their family members. If it wasn't Bemba who sent
15 those soldiers they wouldn't have been able to come and land in Begoua, so that day
16 we saw and we realised that they had come to provide assistance to Patassé.

17 Q. A short while ago you mentioned that these Banyamulengue came from the
18 other side of the river. This other side of the river that you are referring to is in
19 which country?

20 A. That country is Zaire. When you cross the river you get to where they live,
21 and when they cross they come to where we live.

22 Q. Now, let me take you back to the events. When the Banyamulengue arrived,
23 where were Bozizé's rebels at this time?

24 A. Thank you very much. When the Banyamulengue -- when they intervened
25 and Bozizé's men had established their base in front of us at the place where the

1 Muslims sell their goods, at that time there were clashes close to the ONAF, O-N-A-F.
2 *It was a Saturday in November. They came and they took all the sick people and
3 took them to the hospital. The ones -- the people who were at home fled towards
4 Damara. The next day, towards the evening, we saw the arrival of the
5 Banyamulengue. When we saw them we rejoiced, because we thought that God had
6 sent them to deliver us. I'm saying that because at that time there was a conflict - an
7 armed conflict - and no one could go to the market to buy food. When we saw them,
8 we were very pleased. You see, it wasn't possible to go to the market in a safe
9 manner, it was dangerous, and then it was the next day that the troubles began.

10 Q. Thank you, Witness. Now, I would like us to go step-by-step. You
11 mentioned that there was fighting at ONAF. Can you explain where ONAF was in
12 relation to PK12 and Bangui?

13 A. The ONAF is behind the fire hall in the 1st arrondissement. * The ONAF is the
14 place where the buses, or the big vehicles, from Duala or from Chad unload their
15 goods. The fighting started between Bozizé and Patassé at that place.

16 Q. And do you recall the month and/or the date when this fighting took place at
17 ONAF?

18 A. Yes, I remember that very well. It was in April. The fighting started in April.

19 Q. Now, I'll take you back to the events between October 2002 to March 2003.
20 During this period, did you ever see Bozizé's rebels with your own eyes?

21 A. Bozizé's soldiers, as I said earlier, were based in the small neighbourhood where
22 I live. I saw them but I didn't recognise them, since amongst them there were Arabs,
23 there were also Central African people. I saw them very well, but I couldn't identify
24 them because I didn't know them.

25 Q. And did you get, later on, to know who they were?

1 A. I'm sorry, are you talking about Bozizé's men? Who are you talking about?

2 Q. Witness, a short while ago in your answer you said, and that is on page 8 of the
3 transcript, beginning line 3, "Bozizé's soldiers, as I said earlier, were based in the
4 small neighbourhood where I live. I saw them but I didn't recognise them." So my
5 question is, did you get -- at what point later on did you recognise these people as
6 Bozizé's rebels?

7 A. Thank you for your question. I recognise them as being Bozizé's soldiers
8 because Francis, Bozizé's son, was with them, among them, and Francis Bozizé was
9 the person who helped his father. He sold goods and we would see him coming to
10 the house. Then they went and joined the rebels to come back to the city.

11 Q. And, Witness, can you describe these Bozizé rebels? What were they wearing?

12 A. I shall describe them to you. Some of them wore uniforms, military uniforms,
13 because when Bozizé fled he had gone with some of the FACA soldiers, and when he
14 went out into the hinterland, he recruited people, including some Muslims. Now,
15 whether these Muslims came from Chad to join up with the others, I don't know, but I
16 do believe that's the case.

17 Q. So you've pointed out that some of them were in uniform. What about the
18 others, what were they wearing?

19 A. Well, others wore jeans and armbands, yellow armbands, and they wore
20 turbans like Muslims do. They wore ordinary people's shoes. I'm talking about the
21 civilians that joined them, what they were wearing on their feet were tennis shoes so
22 as to carry out their operations.

23 Q. Let's go step-by-step. You've mentioned that they were wearing uniforms.
24 Can you now describe to the Court this uniform, how it looked like?

25 A. I'm not a soldier myself so I'm not really in a position to describe these uniforms,

1 but what I saw them wearing were camouflage uniforms that were panther-like in
2 colour. That's what I saw. That is what they wore. And they also wore jeans.

3 Q. And were they wearing anything on their heads?

4 A. As civilians -- the professional militaries wore military berets, but the civilians
5 that joined them wore ordinary caps and turbans. That's what I saw.

6 Q. And what was the colour of these berets?

7 A. They were metal helmets, the same colour as the uniform, their uniform.

8 Others wore turbans like Muslims, and they also wore armbands. That's what I saw.

9 Q. And what about their feet, were they wearing anything?

10 A. I said earlier on that some of them wore ranger shoes, some wore tennis shoes
11 and others wore flip-flops. Those who wore tennis shoes, well, when their feet hurt,
12 they would wear flip-flops so as to rest their feet.

13 Q. Witness, what was the reaction of the PK10 civilians when Bozizé rebels
14 arrived?

15 A. I don't understand your question. Could you repeat it, please?

16 Q. When Bozizé's rebels arrived in your area for the first time, how did the people
17 take it?

18 A. When Bozizé's rebels arrived, we did not know. We were surprised to see
19 them there. Some stayed, some left. They took the road to the airport; whereas
20 others stayed behind in the neighbourhood and still others went to the ONAF, which
21 explains that they came to get rid of President Patassé. That is what I was told by
22 others.

23 Q. Sir, now still referring to the month of October 2002, did Bozizé rebels stay in
24 your area?

25 A. No, they didn't stay in the neighbourhood. Because there was intense fighting,

1 they left the city and took shelter at PK22 right up to Damara, and it was from
2 Damara that they came back to PK12 and then left again. That's what they would do,
3 go backwards and forwards.

4 Q. And after Bozizé rebels left PK12, did any other group come to PK12?

5 A. Yes. After Bozizé's rebels left and they withdrew towards Damara, a day later
6 the Banyamulengue, who were from the other side of the river and whose chief was
7 Jean-Pierre Bemba, whose father was Jean-Pierre Bemba, arrived.

8 Q. Do you recall when the Banyamulengue arrived?

9 A. Yes. They arrived Sunday evening, 7 November. I'm talking here about 2002.

10 THE INTERPRETER: Interpreter's correction, they arrived the seventh day.

11 MR BIFWOLI:

12 Q. Where were you when the Banyamulengue arrived?

13 A. I was at home. (Redacted) It must be (Redacted)

14 (Redacted) away and it is located on (Redacted).

15 Q. Do you recall the time that the Banyamulengue arrived?

16 A. It was towards 5 p.m. in the evening. When they reached the neighbourhood
17 they realised that it was already dark and that they couldn't do anything, so they left
18 again and went to the police station to rest there.

19 Q. And how did they come to PK12?

20 A. They came on foot in single file as a group. Now, that means that they were
21 divided in four groups and there were a lot of them. I couldn't count them.

22 Q. How long did the Banyamulengue remain in PK12?

23 A. They spent six months at PK12 - six months - because after they left some of
24 them stayed on at the base beside the playground of the Begoua school.

25 Q. Witness, you said that some of them stayed in the base. Where did the others

1 go to?

2 A. Well, the others, since they came to get rid of Bozizé's rebels, some of them
3 pursued them. They pursued Bozizé's rebels on the road to Damara. That is how
4 they shared out the tasks.

5 Q. And how did you know this?

6 A. I know this because I am a son of the country. I must be informed of
7 everything that is going on, everything that affects my population, my people, so as to
8 be able to defend them and be able to remember everything that has happened to
9 them and be able to talk about it.

10 Q. What was the size of the Banyamulengue group that was based in PK12?

11 A. There were many of them. I said earlier on that there were four different
12 groups that evening, and the next day they got reinforcements and at that time they
13 covered the whole PK12 neighbourhood. We couldn't detect those who had recently
14 arrived.

15 Q. Witness, I mean numbers. Did you know how many they were?

16 A. I said earlier on that I couldn't find out how many there were of them, because
17 we couldn't get close to them. We couldn't understand their language and
18 vice-versa. How could we approach them? I have no idea of their numbers, but
19 I can say to you that there were many of them.

20 Q. Do you recall if, during the time the Banyamulengue were in PK12, there was a
21 commander or leader of the Banyamulengue troops?

22 A. Yes, there were several commanders on the road to Damara. There was a
23 Commander Mapao, he was leading the people who were on the road to Damara, and
24 Moustapha supervised them all and he reported to the chief of general staff who was
25 located in the prosecutor's house.

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1 Q. Was Mapao known by any other name?

2 A. That is the name he gave us, Mapao. That -- I learnt that name when (Redacted)

3 (Redacted) They asked me to leave

4 and that they would go and get someone who could talk to us. I got to know this

5 name at (Redacted)

6 Q. Thank you. And you also mentioned Moustapha. Do you know whether he

7 had any other name?

8 A. As I said earlier on concerning Mapao, Mapao (sic) might have had the same

9 rank as Mapao, or maybe he was his superior. He had a car and he supervised

10 everyone. That is how we got to know them.

11 Q. Witness, can you describe the appearance of the Banyamulengue?

12 A. The Banyamulengue were human beings, like you or I. Some of them are short,

13 some are taller and some are very tall. They wore uniforms that looked like those

14 that Bozizé's men wore and the colour of those uniforms looks like that of a panther.

15 They wore Ranger shoes, tennis shoes that are referred to as pala and flip-flops.

16 They also wore caps and they also wore military headgear.

17 Q. Thank you. Before we get into further details, I want to take you one step back

18 and thus ask you one question. Earlier on, you mentioned that Moustapha reported

19 to a chief of general staff. Which chief of general staff did Moustapha report to?

20 Did you know him?

21 A. The chief in question was the chief of general staff who was at the school. He

22 was the son of Jean-Pierre Bemba. At that time when we heard the name Jean-Pierre

23 we thought it was the same Bemba, and one day they brought my neighbour's son to

24 their base and he was beaten there and when we went there we learnt that he was the

25 son of the president.

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1 Q. How did you know that he was the son of the president?

2 A. As I said earlier on, the Banyamulengue took one of the children of a neighbour
3 of mine. They beat him and assaulted him and, if God had not been with him, he
4 would not have survived. They had taken him to the chief of general staff and then
5 he was left somewhere, and so the police station was called upon and the gendarmes
6 took him to take him to the certe (phon). That is what enabled us to know who he
7 was.

8 Q. Were the Banyamulengue carrying anything in their arms when you saw them?

9 A. They were armed. They had rifles. They had arrows. They had knives;
10 small knives. They had spears. They had machetes.

11 Q. How did you know that the Banyamulengue had these weapons?

12 A. Everything I've just told you about is not something that I have been told by
13 someone else. I saw this with my own eyes, that is why I am talking about these
14 things here today.

15 Q. Now, you have told us the weapons that they had. Can you describe to the
16 Court how they looked like?

17 A. They had Kalashnikovs. Some of them were small, others were mortars.
18 Some of them had other weapons, they were installed onto vehicles.

19 Q. And can you describe to the Court these weapons that were installed on the
20 vehicles, how you saw them?

21 A. The weapons that were on the vehicles were on a piece of iron, and this weapon
22 rotated, was mounted on a piece of iron. They could turn the weapon one side and
23 the other. They could turn it to behind, to the front, and that is how the weapon that
24 was mounted on the vehicle.

25 THE INTERPRETER: And the interpreter adds that the previous intervention also

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1 mentioned the word "tripod."

2 MR BIFWOLI:

3 Q. Witness, earlier on in your testimony you said that when you saw the
4 Banyamulengue come, arrive in PK12, they came on foot. At what point in time did
5 they have vehicles?

6 A. I think they received these vehicles on the Monday, because when they took
7 over the whole area, we saw the vehicles. We followed them and it was certainly on
8 the 8th. I'm talking about 8 November here.

9 Q. Could you describe the type of vehicles they had?

10 A. The vehicles, the 44's -- four-by-fours, and they also had vehicles with the
11 steering wheel on the right-hand side.

12 Q. Do you know the make of these vehicles?

13 A. I know the make because the name is written on the vehicle. I was able to say
14 it -- I was able to see it and that's why I can speak of it.

15 Q. Do you recall how many vehicles the Banyamulengue had when they were
16 based in PK12?

17 A. I told you that I couldn't know the number. It was invaded by Banyamulengue
18 and they split up into all the different areas. Some of them next to Boali, and others,
19 Damara. And the vehicles following them, well, how could I know how many of
20 them there were? The vehicles, well, there were a lot of them.

21 Q. Thank you, Witness. Let's move onto the next issue. Which language was
22 spoken by the Banyamulengue?

23 A. They spoke their language, Lingala.

24 Q. How were you able to recognise the language as Lingala?

25 A. Thank you, my brother, for having asked me this question. I'm saying this

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1 because when they say to you "yaka," you and I, we don't know what "yaka" means.

2 This expression, "yakala," or "yaka," and the person doesn't understand that, they

3 thought that the person was doing that deliberately. So they took you and they

4 would beat you with clubs, and that's why we were so concerned. Thanks to their

5 compatriots who are with us and who shine shoes that we were able to say that

6 "yaka" meant something. It means "come." And it was because of this that we were

7 able to understand that.

8 Q. Who do you refer to when you say "they"?

9 A. I'm speaking about the Banyamulengue. There were lots of them.

10 I don't -- I can't give their name and that's why I say "they".

11 Q. Thank you for that answer, Witness. And you have explained, including the

12 term "yaka," but how exactly did you know that this *term is a Lingala term, for

13 instance?

14 A. "Yaka" is a Lingala word and I know that because a lot of people have come

15 over to work shining shoes, and when their compatriots arrived, they joined them

16 and they spoke this language, and that's how we can say that "yaka" is a word in

17 Lingala.

18 Q. And did the Banyamulengue speak Sango or Arabic?

19 A. No, they didn't speak Arabic. The Banyamulengue who crossed, true

20 Banyamulengue who crossed to fight, did not speak Sango; but those who were

21 already there, who were working doing odd jobs, cooking, shoe shining and other

22 activities, those, they did speak Sango, but not Arabic.

23 Q. And before you met these Banyamulengue, had you ever heard with your own

24 ears other people speaking Lingala?

25 A. I never heard anyone speak Lingala. It was only when I came across them that

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1 I started to understand the word "Yaka," and when the tragic events started, I went to
2 the gendarmerie and I was asked to go to (Redacted) and it was he who could give
3 instructions for the -- so that the population who remained could live in peace. This
4 person, (Redacted), received me well. He asked me to sit down, and I told him that
5 I had come to ask him questions with regard to certain things which were going
6 wrong. I also took the opportunity to ask him what "yaka" meant and he answered
7 me that "yaka" means "come." That means that it was the second time that I learnt
8 what this word means, after the shoe shiners told us what it meant.

9 Q. And where were the gendarmerie based?

10 A. The gendarmerie was based just a bit before PK3, towards the road that goes to
11 Damara and Boali. Opposite the gendarmerie, you have the station Petroca.

12 Q. Witness, can you explain or describe how the gendarmerie dress?

13 A. How they were dressed? They were wearing the clothing they normally wear:
14 Khaki uniform, light colour and camouflage. That's what they wore in terms of their
15 dress.

16 Q. And do they wear anything on their head as well?

17 A. Yes, they wore a hat because they were in service. When you have a soldier
18 who is in service, he has to wear the -- when he is on duty, he has to wear the
19 appropriate clothing.

20 Q. And what is the colour of the hat?

21 A. The colour of their hat was the same colour as their uniform. Those who had a
22 khaki uniform had a hat of the same colour and those who wore a camouflage
23 uniform also had a cap of the same colour, and sometimes these caps were round.

24 Q. Thank you. And what about their feet? Did they wear anything on their feet?

25 A. Yes, they were wearing Rangers.

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1 Q. During this period, October 2002 to March 2003, could you distinguish the
2 gendarmerie from the Banyamulengue?

3 A. Yes, I can distinguish them because the gendarmes went to the hangar next to
4 the garite and the sentry box, and the Banyamulengue were on the main road next to
5 the roadblock where you had the police and the people for the water and forestry
6 board. The gendarmes were there, the ones with whom we used to work, and as
7 such we knew them.

8 Q. Did the gendarmerie commit any crimes during the period October 2002 to
9 March 2003 against the PK12 civilian population?

10 A. Thank you for this question. If they had committed acts of violence, I couldn't
11 go to run 600 metres to the gendarmerie. The gendarmes, those who were on our
12 side, they were ready to help us, but they weren't armed to the same extent as the
13 other forces.

14 Q. Witness, you have just stated that the gendarmerie were not armed. Why?

15 A. But they didn't have any more weapons. They said that they no longer had
16 their weapons. They couldn't go through the area without weapons, but it was the
17 soldiers of the Central African Republic who would go into their Banyamulengue
18 zone and there would be -- they would beat them up. And it was the
19 gendarmes -- there was only the gendarmerie left who didn't have their weapons and
20 that's what I knew. They were all disarmed.

21 Q. Thank you. Witness, when the Banyamulengue entered PK12, where were
22 they staying?

23 A. The first day they went to the gendarmerie and the second day they started to
24 carry out acts of violence and they left. Some of them went to the school, where they
25 had set up their base, and in the -- around that they dug trenches where they were

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1 hiding. You could only see the weapons out of it. They had taken over the whole
2 area of Begoua.

3 Q. How many bases in total did the Banyamulengue set up in PK12, do you know?

4 A. I don't know everything that's linked to military operations, but what I do know
5 is that they set up their staff headquarters at the school. Having seized property it
6 was there that they put all these stolen items, and some of them were in tents to
7 ensure the security of their leaders. I don't know all the different bases that they had,
8 but they were divided up into sections or groups, if I can put it like that, and it was
9 from that place that they were walking around the locality.

10 Q. Do you know how many sections or groups they were divided in?

11 A. There were several groups. I couldn't follow them everywhere they were
12 going to count how many sections and groups there were. I can't tell you today.
13 I can't tell you, your Honour, today how many groups there were. There were lots
14 of them. You couldn't move amongst them. We were afraid of being seen. If
15 somebody recognised you in the group, you could end up being beaten up.

16 Q. A short while ago you stated that some of them were staying in the tents.
17 Where were these tents located?

18 A. These tents were next to the house of the prosecutor, where they made their
19 base where the staff headquarters was, next to the football pitch of the school.

20 Q. And what colour were these tents?

21 A. Some were black. Others were the same colour as the military uniform.

22 Q. And do you know where (Redacted) was staying?

23 A. Yes, I know, and that's why I went to meet him.

24 Q. Please tell the Court where he was staying.

25 A. I can tell the Court where he was, because I went to his house. I can say that

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1 because I'm able to express that. The house where (Redacted)

2 (Redacted). It was in the (Redacted). They were there.

3 When they arrived they drove them out, and (Redacted) was living in this house

4 (Redacted).

5 Q. Witness, in what circumstances did the Banyamulengue -- sorry. I'll rephrase
6 my question.

7 In what circumstances did (Redacted) occupy (Redacted)

8 A. Thank you for the question. In a period of war, everybody who is under these
9 circumstances, everybody became like children because they were behaving in that
10 way. We went to the house, but when somebody had a weapon this was terrible and
11 this meant that all the members of my family took refuge, they left. They didn't do
12 that just because of one person.

13 MR BIFWOLI: Thank you, Witness. Madam President, I realise it's time.

14 PRESIDING JUDGE STEINER: Thank you, Mr Bifwoli. Witness, we are going now
15 to take a half-an-hour break in order for you to rest a little bit. We will be back at
16 11.30. Court officer, please turn the session into closed in order for the witness to be
17 taken outside the courtroom.

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

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

20 (The witness stands down)

21 THE COURT USHER: All rise.

22 (Recess taken at 11.03 a.m.)

23 (Upon resuming in closed session at 11.34 a.m.) Reclassified as Open session

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

25 PRESIDING JUDGE STEINER: We are resuming this morning's session. I ask,

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1 please, the court officer to introduce the witness into the courtroom.

2 (The witness enters the courtroom)

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

4 (Open session at 11.38 a.m.)

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

6 PRESIDING JUDGE STEINER: Thank you. Mr Witness, I hope you had an
7 opportunity to rest a little bit during the break, and I ask you whether you are
8 prepared to continue giving your testimony.

9 THE WITNESS: (Interpretation) Yes.

10 PRESIDING JUDGE STEINER: Thank you. So I give the floor to the Prosecution.

11 MR BIFWOLI:

12 Q. Good afternoon, Witness.

13 A. Good morning.

14 Q. Thank you. Before the break we were dealing with the bases set up by the
15 Banyamulengue in PK12. On page 21, lines 22 to 23, you referred to the prosecutor's
16 house, which was made their headquarters. Now, in what circumstances did they
17 occupy the prosecutor's house?

18 A. That was the same day, the same day of their arrival. They spent the night at
19 the police station. The next morning, they located the place. They found that it was
20 strategic and so they set up operations. They set up their headquarters there.

21 Q. Do you know who from the Banyamulengue was occupying this house?

22 A. The Chief of Staff was occupying that house.

23 Q. Before the break you also testified that they occupied (Redacted) and
24 the prosecutor's house. Do you know what happened to the contents of those
25 houses they occupied?

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1 A. Thank you, Prosecutor. What happened in those houses, what happened to
2 the content of those houses? If you had been there, sir, you certainly would shed
3 tears. You certainly would shed tears and you would have taken up arms yourself,
4 but we were only civilians. *So we let them take everything: the kitchen utensils, the
5 foam mattresses, the portable phones and footwear, shoes that were still good. They
6 took all these items and took them back to their headquarters. After that they loaded
7 these various items into a heavy duty vehicle to take them across. That is what they
8 did.

9 Q. And who do you refer to when you say "they"?

10 A. I'm talking about Jean-Pierre Bemba's rebels, whom we called the
11 Banyamulengue.

12 Q. Now, you spoke about the prosecutor's house and (Redacted). Were
13 these the only houses that were occupied by the Banyamulengue?

14 A. I told you that there were several houses. Even I spent two weeks under a
15 hangar. The vast majority of the people fled their houses, because in actual fact the
16 prosecutor was living on the way to Boali and another one on the road to Damara.
17 They weren't the only ones. Everyone around them, the place where they had
18 decided to dig trenches, all the people who were around there had to leave their
19 homes, and you had to be careful if you put up any resistance if you refused to leave
20 your home.

21 Q. Witness, did the Banyamulengue have the consent of the owners of the houses
22 that they occupied?

23 A. How could you agree to part with possessions that you had, that you had
24 earned by the sweat of your brow? If you were asked in a very polite way to
25 occupy -- if someone asked you in a polite way to occupy your house you would have

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1 agreed, but this was done in a very brutal fashion as soon as they came, immediately.

2 What resistance could we put up? They took everything by force.

3 Q. And, sir, could the owners of these houses get back these houses if they wanted
4 to?

5 A. That wasn't possible, but myself, (Redacted).

6 (Redacted) It was not possible to get the house back

7 once they had occupied it. (Redacted).

8 MR BIFWOLI: Madam President, your Honours, I request for a private session so
9 that I can ask questions regarding the victims of rape. In his description of these
10 victims, the witness provides names and other identifying details for these victims.

11 PRESIDING JUDGE STEINER: Court officer, let's go for a while into private session.

12 (Private session at 11.49 a.m.) Reclassified as Open session

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

14 PRESIDING JUDGE STEINER: Thank you. Mr Witness, we are now in private
15 session, which means that whatever you say is not going to be broadcast outside the
16 courtroom. When we are in private session you can feel free to say whatever you
17 want, including names, because the public cannot listen to us. Do you understand
18 that?

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

20 MR BIFWOLI: Thank you, Madam President.

21 Q. Sir, what was the attitude and behaviour of the Banyamulengue towards PK12
22 population?

23 A. Thank you for that question. If I speak quickly, please forgive me
24 because -- because I have gotten into the habit of speaking in this manner to tell the
25 truth so that everyone can be aware of this reality. The behaviour of our brothers

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1 who came from the other side was very bad, be it with the populace, the young girls,
2 the young boys, old men, old people. They would take you and they did what they
3 wanted to with you. Myself, I am before you today and my whole family. (Redacted)
4 (Redacted), for them they were just objects.

5 Q. Thank you. Thank you, Witness. We'll be coming to what happened to you
6 and to your family in a short while. Can you -- could you describe the kind of
7 abuses that were committed by the Banyamulengue towards PK12 civilian population,
8 including specific victims that you may know?

9 A. I want to speak about several people. I'll start with the rapes. The child of
10 (Redacted) (phon) and the child of the neighbour, that person's neighbour.
11 One of the children was ten years old. The other one was nine. Those young girls
12 were deflowered and those young girls are now considered like their slaves. When
13 the father tried to put up resistance, they brutalised him. He had to go see the
14 people at their headquarters and then go to the police station. At the police station,
15 they could do nothing. The police officers had no power. We were in that situation.
16 We were dispossessed. Some women were raped. Today I can't give you the
17 names, because the events were such that one could not remember all the names.

18 Q. You've said that this child was deflowered. What exactly do you mean by
19 that?

20 A. It means that those men slept with those children.

21 Q. Who do you refer to when you say "those men"?

22 A. Today I'm speaking to you and I'm telling you that also some men were raped
23 at PK22 and PK12. That's where they were based and many acts of violence and
24 abuse occurred there.

25 Q. Maybe I'll rephrase my question. Earlier on you said that some men slept with

1 those children. Who do you refer to? Who do you mean when you say the men

2 slept with the children? Which men are you referring to?

3 A. I am talking about the Banyamulengue.

4 Q. And what do you mean when you say they slept with those children?

5 A. That means that they slept with these children until -- until blood flew -- flowed

6 out of their vaginas. It was only with warm water in which some concoctions were

7 placed, with that liquid we treated these children so that they could heal.

8 Q. Apart from these children that you have just mentioned, did the

9 Banyamulengue sleep with any other person?

10 A. Yes, they slept with many other people. I couldn't give you all the names here,

11 because the abuse began -- I referred to the police. The police said that they had no

12 power, because the only authority that could help us was the police. If at (Redacted)

13 (Redacted) I could do nothing, I had to (Redacted)

14 (Redacted) that particular events had occurred in the neighbourhood. And, you see,

15 the police officers had no power, and we realised -- correction, we said to (Redacted)

16 so that he would know that various events had occurred in the neighbourhood.

17 Q. Sir, are we -- are you in a position to provide a few names of these victims?

18 Can you recall a few names?

19 A. Sir, I can give you the following names: The child of (Redacted),

20 that person's neighbour, he was supposed to come here with me but he did not come.

21 My daughter, aged 10. Many people, Mr Prosecutor. I'm not in a position to give

22 you all the names, but now I want to talk about the people of the other side. As I am

23 speaking, they can hear what I'm saying.

24 Q. Witness, what is the name of (Redacted) neighbour?

25 A. Sir, I have noted the names, but I was not allowed to bring a piece of paper here

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1 so as to provide the details. The notepad on which I wrote down those names has
2 stayed at home, so I cannot remember the names.

3 Q. You mentioned (Redacted). That's on page 27, lines 8 to 9.

4 Can you tell us what the Banyamulengue did to her?

5 PRESIDING JUDGE STEINER: Mr Witness, may I interrupt? May I interrupt,

6 Mr Witness, for a while, just to put to you a question?

7 I see on the transcript that you say "I want to talk about the people of the other side."

8 This is on 29, it starts on line 12, "I want to talk about the people of the other side. As

9 I am speaking, they can hear what I'm saying." What did you mean by that? Are

10 you concerned whether people on the other side can hear you? Can you explain

11 what you meant by that, please?

12 THE WITNESS: (Interpretation) Thank you, Madam President. I said that

13 because here, as I am speaking, there is interpretation and everybody is following

14 what I am saying. I am not frightened. I know that I am among the lions. I have

15 accepted to come here and, if I were to die, I would die for the people of Central

16 Africa, not for myself. I have come here to tell the truth. If I am mistaken, people

17 are listening to what I am saying and they will come and correct me. I am not

18 frightened, Madam President.

19 PRESIDING JUDGE STEINER: Thank you, Mr Witness, but have you understood

20 when I said that what you were saying is not being transmitted outside; it's only

21 within the courtroom? Is that fine with you?

22 THE WITNESS: (Interpretation) Yes, I understand, Madam President.

23 PRESIDING JUDGE STEINER: Thank you very much. I'm really sorry, Mr Bifwoli,

24 that I interrupted you. Could you please repeat your last question.

25 MR BIFWOLI: Thank you, Madam President, for your intervention.

1 Q. Mr Witness, my last question was: "You mentioned (Redacted)

2 (Redacted) That is on page 27, lines 8 to 9. Can you tell us what the

3 Banyamulengue did to her?

4 A. Thank you, sir. What the Banyamulengue did to (Redacted) is as follows:

5 She was a trader. She goes to the provinces. She takes meat to sell it.

6 THE INTERPRETER: Interpreter's correction, she brings back meat to sell it.

7 And when she came back from the provinces, she wanted to go to the market to sell it.

8 These people had already arrived, so she had to stay at home. But those people

9 came to her home because she had meat, her name was (Redacted), and so these people

10 came to (Redacted) house and raped her. She was raped. She is the (Redacted)

11 (Redacted)

12 MR BIFWOLI:

13 Q. Thank you, Witness. What do you mean when you say, "She was raped"?

14 A. What I mean is they had sexual intercourse with her without her consent, using

15 force and using violence. They wanted to show the population that they were the

16 ones that were the true men.

17 Q. Sir, on page 31, line 10, you referred to "those people." Who do you -- you said,

18 "But those people came to her home because she had meat, her name was (Redacted)

19 and so these people came to (Redacted) house and raped her." Who do you mean by

20 "those people"?

21 A. I was referring to the Banyamulengue. As I -- at the time I am talking about,

22 there was no -- there were no more rebels at Begoua. They had withdrawn towards

23 Damara and, at that particular moment, it was the Banyamulengue who were in that

24 neighbourhood.

25 Q. And how did you know that it was the Banyamulengue who indeed raped her?

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1 A. I knew that because during those events (Redacted). Those events were taking
2 place before my very eyes. These events were not narrated to me by others; I was
3 there. They were the strongest, and everybody stayed at home. My house is
4 (Redacted), so we could see one another and we knew what was going
5 on in our respective houses.

6 Q. Sir, how did you know what happened to this lady? What was the source of
7 your information?

8 A. For the (Redacted) house, I knew about this because we are neighbours. There isn't
9 even a fence that divides our two houses. We can see one another, the houses are
10 visible, I could see what was going on (Redacted) and the same applies to him.
11 He could see what was going on in my home.

12 Q. Thank you for that information, Witness. Sir, does the name (Redacted)
13 mean anything to you?

14 A. Thank you, sir. (Redacted). They live in
15 a house that has a fence around it. (Redacted).

16 Q. Did anything happen to her during this period?

17 A. Yes, she went through a very painful experience. As I said earlier on, these
18 Banyamulengue behaved very evilly towards girls and women, and that happened to
19 (Redacted) too. Her sister (Redacted) (phon) gave birth to a child who is alive today,
20 and that is why I put their name on my request to ask the Court to look at it and,
21 thank goodness, the Court is indeed examining all this.

22 Q. Can you tell the Court exactly what the Banyamulengue did to (Redacted)
23 and her (Redacted) sisters?

24 A. The Banyamulengue had sexual intercourse by force with them, and also with
25 her sister. When you see (Redacted) women, they are beautiful, their skin is shiny,

1 and so the Banyamulengue considered them their wives. Nobody could do anything
2 against that. We were there. We were disarmed. We simply had to stand by and
3 look on. They slept with them several times. Some were made pregnant and she
4 gave birth.

5 Q. And how did you know that indeed it was the Banyamulengue who raped
6 (Redacted) and her sisters?

7 A. Thank you, my brothers at the Court. I said that I came here to describe what I
8 personally experienced, not to tell you about what I heard about, no. I personally
9 saw with my own eyes. I moved around. I personally went to the gendarmerie to
10 file a complaint, to report all these problems so that the gendarmerie would be aware
11 of this. Right now, as I speak to you, if you ask some of the gendarmes who were on
12 duty at that time, they can confirm to you that, "Yes, indeed what that gentleman is
13 talking about is the truth. We knew about it at the time."

14 Q. Thank you for that information, Witness. And does the name (Redacted)
15 (Redacted) mean anything to you?

16 A. I'm sorry, I don't think I understood your question properly. Could you repeat
17 it, please?

18 Q. My question was there is a specific name, I don't know whether I'm
19 pronouncing it correctly, (Redacted). If I could spell it, (Redacted) --

20 A. No.

21 Q. Sir, the people you have just mentioned that they were raped by the
22 Banyamulengue, did any of them consent?

23 A. Nobody consented. If a woman agrees to sexual intercourse with a man, how
24 can she say so outright? The (Redacted) you're talking about, he is the person who
25 lives close to the house of (Redacted).

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1 PRESIDING JUDGE STEINER: Mr Liriss.

2 MR LIRISS: (Interpretation) Madam President, unless I'm mistaken, it seems to me
3 that these are statements made by a witness who has yet to be heard. Unless I'm
4 mistaken, we are not allowed to bring up these issues with this witness.

5 PRESIDING JUDGE STEINER: I think the Prosecutor could maybe rephrase his
6 question, questions in relation to what happened to third persons, unless there are
7 references on the witness statement to these third persons.

8 MR BIFWOLI: Thank you, Madam President, your Honours. The questions that
9 we are putting to the witness is with reference to what he himself stated in his own
10 statement, provided the names and the details. That's where we got the information
11 from and it's on the basis of that that we are putting those questions to him.

12 PRESIDING JUDGE STEINER: Maître Liriss.

13 MR LIRISS: (Interpretation) Madam President, I certainly can -- am mistaken since
14 this is the Prosecutor's file, but it would be a good idea to provide the reference in the
15 statement of this witness that relate to this particular question.

16 PRESIDING JUDGE STEINER: Agreed it would be useful for the record if we have
17 the reference to which part of the statement you are referring to, otherwise even for
18 the Chamber all those questions appear to be misplaced.

19 MR BIFWOLI: Madam President, the part of the statement we are referring to is
20 CAR-OTP-0008-0088 at ERN number 009520097.

21 PRESIDING JUDGE STEINER: Thank you very much.

22 THE COURT OFFICER: The document is available on your screens and this
23 document has already been attributed an EVD number, which is EVD-T-OTP-00016,
24 and it's classified as confidential.

25 MR BIFWOLI: Madam President, your Honours, in light of this, can the Prosecution

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1 move on?

2 PRESIDING JUDGE STEINER: Yes, we've been waiting for that.

3 MR BIFWOLI: Thank you.

4 Q. Sir, can you give us an idea or an estimate of how many victims of rape you
5 came to know?

6 A. Thank you, Prosecutor. The number that I can estimate, well, I would say very
7 many women and many men. Only God knows what happened in a neighbourhood
8 of more than one square kilometre. There were many, many instances and we are
9 talking here only about PK12. If you add to them the victims at PK22, the number
10 would be very significant.

11 MR BIFWOLI: Madam President, I would request to go to open session for my next
12 set of questions.

13 PRESIDING JUDGE STEINER: Court officer, please, let's turn into public session.
14 (Open session at 12.28 p.m.)

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

16 PRESIDING JUDGE STEINER: Thank you. Mr Witness, now we are again in
17 public session, meaning that the public can hear what you say, so please try to avoid
18 names and any information that can lead to your identification, or the identification of
19 members of your family, or identification of neighbours of yours. Thank you.

20 Mr Bifwoli.

21 MR BIFWOLI: Thank you, Madam President, your Honours.

22 Q. Witness, I would now like to direct your attention to what happened to you and
23 your family during this time. This might be difficult for you. Please let us know if
24 you'd like to have a break or if you feel uncomfortable in any way. Also, I would
25 like to remind you that, as Madam President has pointed out, we are in open session.

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1 Therefore, be cautious regarding any information which may identify you or your
2 family. Sir, (Redacted), what if anything did you do
3 about these crimes that were being perpetrated against your people?

4 A. Thank you, your Honour. I would like to thank all the people here today and
5 who are listening to us. I would also like to give God due grace because of the
6 events which occurred in 2002 we are now talking about again in 2011.

7 In this neighbourhood, (Redacted). When the
8 (Redacted), the

9 administration, and when there are events such as those we saw (Redacted)
10 (Redacted).

11 Q. Given (Redacted), when you saw the Banyamulengue
12 committing abuses against your people, did you take any action, given (Redacted)

13 A. The next morning I saw that they had taken over the whole neighbourhood. I
14 heard shots. I went out and I asked for pardon. I showed them my two hands.
15 As they saw that I was facing them with my two hands presented in the air, they
16 stopped. We couldn't understand. They were speaking their language; I was
17 speaking Sango.

18 When -- it was when we spoke French, that's something that I did, but comprehension
19 was very difficult, so they went to find somebody who spoke French, and I spoke to
20 that person and I explained the situation to him, and I said that the rebels were no
21 longer in the neighbourhood, they had all left. And all the people who were in the
22 neighbourhood, it's the population; but if today you seize the population, who are
23 you going to collaborate with in the neighbourhood? That was what I said to them.
24 And it's because of this intervention that I had all these problems.

25 Q. Can you explain to the Court what you mean, that you had these problems

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1 because of this intervention?

2 A. The problem was due to my intervention. They asked the question "Who are
3 you to intervene in such a way?" As I said in French (Redacted), they didn't
4 know who it was. They thought that the fact that I said (Redacted) was as if I'd
5 set the straw on fire. They went to get their commander such that we could explain
6 our conditions but, no, they formed a group of eight persons and they asked me to
7 repeat what I said. (Redacted)
8 (Redacted).

9 And they said "Oh, it was you who pushed the children to rebellion and who pushed
10 the children to attack President Patassé." And that's where my problem started. I
11 thought that it was just a small matter, but it was a massive problem.

12 Q. Sir, did these people you -- these eight people that came to you, can you tell the
13 Court who they were?

14 A. These eight people were the Banyamulengue. Two of them were small; six
15 others were quite large.

16 Q. Did these eight Banyamulengue who came to you, did they do anything to you?

17 A. Thank you. Yes, of course, they did carry out acts and that's the reason why I
18 considered myself a dead man. If they considered that I was the instigator of the
19 rebellion against President Patassé, they were going to punish me. They said that in
20 their language.

21 There was one who spoke French, more or less, he said that I had to lie down. And I
22 said "Why should I lie down? What have I done?" And he -- "If I've done
23 something, just tell me what I've done." And he said that we were stubborn and we
24 were the instigators of the rebellion against President Patassé. We had to be
25 punished for that. That was said in front of my family, my wife, my children, until

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1 one of my wives was dead, until one of these women gave birth to a child, who is
2 dead. There was (Redacted), who was beaten to death during these events.

3 Q. Sir, you have just mentioned that they said -- you've just said that they did carry
4 out acts and that is the reason why I considered myself a dead man. Can you
5 explain to the Court what you mean by this? What acts did they carry out?

6 A. Prosecutor, these persons, when they came, we thought they were humans, but
7 they used their weapons to crush us. You see, somebody like me, a man lying with
8 me, that's why I considered myself to be dead because a man cannot sleep with
9 another man. With what they did to me, I knew that I was dead. I could no longer
10 feel like a human being. And after that, my second wife refused me because she
11 considered that I was a woman like her.

12 Everything that I had experienced -- well, the vehicle that I used to go to the fields,
13 the farm -- what could I do? I wasn't a member of the government. I wasn't aware
14 of anything. We were asked to vote, we voted, but why should we suffer? And
15 that's why I decided to come here before this Court and to speak.

16 If Bozizé or Patassé want to kill me, they can just kill me. I can't speak about Bemba,
17 who was the other side of the river. If he wants to kill me, he can kill me. I've come
18 here to speak.

19 Q. Sir --

20 PRESIDING JUDGE STEINER: Mr Witness, would you like to have a short break or
21 do you want to continue?

22 THE WITNESS: (Interpretation) I need to rest a bit. I can't take anymore.

23 PRESIDING JUDGE STEINER: No problem at all. We are going to have a break.
24 We can have now our lunch break, and we will resume at quarter-past-2. Please,
25 Mr Witness, take your time. Whenever you want a break, you are entitled to have

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1 your break. Please, court officer, turn into closed session in order for the witness to be
2 taken out of the courtroom.

3 (Closed session at 12.43 p.m.) Reclassified as Open session

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

5 (The witness stands down)

6 THE COURT USHER: All rise.

7 (Luncheon adjournment taken at 12.45 p.m.)

8 (Upon resuming in closed session at 2.22 p.m.) Reclassified as Open session

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

10 PRESIDING JUDGE STEINER: Good afternoon. I notice that Maître Liriss and
11 Maître Kilolo are not here.

12 MR HAYNES: Yes, I apologise on their behalf. They should be here very shortly.

13 PRESIDING JUDGE STEINER: Would you prefer that the Chamber waits for them
14 to be present or can we --

15 MR HAYNES: It should be only one or two minutes, so it would be very kind if you
16 would wait.

17 PRESIDING JUDGE STEINER: So in the meantime maybe we can introduce the
18 witness back into the room.

19 MR HAYNES: Absolutely.

20 PRESIDING JUDGE STEINER: So please, court officer, bring the witness back.

21 (The witness enters the courtroom)

22 (Pause in the proceedings)

23 PRESIDING JUDGE STEINER: In the meantime, we can go back into open session,
24 please.

25 (Open session at 2.26 p.m.)

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(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0023

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

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

3 Mr Witness.

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

5 PRESIDING JUDGE STEINER: Did you have opportunity to have lunch and to rest

6 a little bit?

7 THE WITNESS: (Interpretation) Yes, I was able to eat and rest.

8 PRESIDING JUDGE STEINER: Are you feeling comfortable for continuing with

9 your testimony before this Court, Mr Witness?

10 THE WITNESS: (Interpretation) Yes, I agree.

11 PRESIDING JUDGE STEINER: Thank you. So we will continue with your

12 testimony. The Prosecutor will continue asking you some questions, and I wanted to

13 remind you that any time you feel tired or distressed, any time you want a break, you

14 just let us know and you will have the break. Do you understand that?

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

16 PRESIDING JUDGE STEINER: Thank you. Mr Bifwoli.

17 MR BIFWOLI: Thank you, Madam President, your Honours.

18 Q. Sir, we all understand that what you went through is difficult and the next set of

19 questions that I'm going to put to you, please take your time and at your own pace,

20 answer them the best way you can. We all know it's difficult, but try as much as you

21 can.

22 So, sir, before the break, at transcript page number 40, beginning from line 1 up to line

23 3, you told the Court, and I quote, "You see, somebody like me, a man lying with me,

24 that's why I considered myself to be dead because a man cannot sleep with another

25 man." Can you explain to the Court what you mean by "a man lying with you"?

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1 A. Thank you for your question, and please bear with me. I apologise. This
2 event offended me greatly and so I cried earlier. Now, the ones on the other side of
3 the river, the soldiers, the Banyamulengue, Bemba's soldiers, they did this to me.
4 They sodomised me. They treated me as if I were a woman and -- as even if I were a
5 woman. The way they brutalised me, even if I were a woman, I would be entitled to
6 some rest, but the abuse was severe.

7 Q. Thank you, Mr Witness, for your answer. However, I am still going to ask for
8 more specific details so that the Court can understand exactly what these people did
9 to you. What do you mean when you say they sodomised you?

10 A. I said that they sodomised me because they practised, or performed -- they
11 penetrated me from behind. They forced me to have anal relations with them. My
12 anus was swollen and I had to get traditional treatment, the kind of treatment that is
13 done on women who have just had a baby, and thanks to God this traditional
14 treatment which I received allowed me -- or relieved me; helped me heal somewhat.
15 (Trial Chamber confers)

16 PRESIDING JUDGE STEINER: Sorry, it is just, of course, the Prosecutor is free to
17 continue with its line of questioning, but just to inform that the Chamber is already
18 satisfied with the details - the physical details - of the attack, so if the Prosecution is in
19 a position to avoid more intrusive and direct questions in this respect.

20 MR BIFWOLI: Madam President, your Honour, we ask for a minute to confer.
21 (Prosecution counsel confer)

22 PRESIDING JUDGE STEINER: Maître Liriss?

23 MR LIRISS: (Interpretation) Your Honour, the Defence would adopt the same
24 viewpoint as the Chamber. We are satisfied with the explanations that were
25 provided.

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1 MR BIFWOLI: Thank you, Madam President, your Honours. The Prosecution has
2 taken into account what the Chamber has stated, and in that case we will proceed to
3 other questions.

4 Q. Sir, how many Banyamulengue raped you?

5 A. There were three Banyamulengue who slept with me forcibly.

6 Q. Did they rape you in turns, or all together?

7 A. The first one slept with me and he ejaculated in me. Then the second one came
8 to do the same thing. He ejaculated in me. And, finally, the third one did the same
9 thing as the two earlier ones had done.

10 Q. Sir, while one was raping you, where were the others?

11 A. They were standing at the corner of the house and they were waiting their turn,
12 generally speaking, as people do when they wait to sleep with the same woman, and
13 the house -- the house was -- the distance was like from here to that wall.

14 Q. And at this time that -- while one of them was raping you, where were their
15 weapons?

16 A. One put down his weapon beside his brothers, and after sleeping with me he
17 picked up his weapon again, and the second one came and that is how he did what he
18 did.

19 Q. Thank you. Did you consent to this act?

20 A. Mr Prosecutor, I think that if I were consenting, I couldn't be here. Your
21 Honour, I can't be here. I said to myself, "Why would I come here? Why would I
22 come here?" In any event, I did not give my consent.

23 Q. Thank you for your answer, Witness. Where did this rape by the
24 Banyamulengue take place?

25 A. It was in my compound behind the house. That means that the compounds of

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1 my neighbours, (Redacted), they were there. My three wives all have a house, each
2 one has her own house. They were under the house, (Redacted). That
3 is where they raped me.

4 Q. Was anyone present when you were raped?

5 A. My neighbours were there. The (Redacted)

6 (Redacted). His home is not far from mine. Since there was

7 gunfire, he had taken refuge in the house. Then I (Redacted) to tell

8 them so that they would be informed so that the officer -- so that the police would be
9 truly informed.

10 Q. And could these people who witnessed you being raped, could they have
11 prevented it?

12 A. Thank you, Mr Prosecutor. I think that in a country when there are weapons
13 everywhere, it is difficult for a neighbour to intervene when you call upon them.

14 You can call out, but no one can come out to come to your assistance. Each person
15 preferred to remain in his or her house and to watch through the window. No one
16 could go out. Our country's soldiers, even they couldn't do anything.

17 Q. And where were your wives at this time?

18 A. I've already told you. My wives and my children were all present. The one
19 who (Redacted), she was the one who was able to get away, and the other one after
20 some gunfire occurred she collapsed and she fell ill immediately. The third
21 remained; she was there and she saw everything. Together, with my wives and my
22 children, we endured -- or we were submitted to all of that.

23 Q. And how did you feel when this happened to you?

24 A. When they began to rape me, well, it's very, very hard. It's very hard to
25 consider that you are being sodomised by another man. It was very hard for me to

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1 tolerate that a man like myself could penetrate my anus. The first, when he
2 sodomised me, he ejaculated; the second did the same thing; and so did the third, but
3 it was the rape of the first Banyamulengue that inflicted the most pain on me.

4 Q. How did you feel that this was taking place in front of your wives and children?

5 A. Are you talking about the pain? I must confess, I don't really understand your
6 question.

7 Q. Sir, a short while ago I asked you how you felt and you explained to the Court
8 how you felt. The question I am asking you now is how did you feel that this was
9 happening in front of your own wives and in front of your own children? How did
10 you feel?

11 A. Thank you, Mr President. I felt as if I was a dying man. Later on, every time I
12 saw a Zaire national, I always have this feeling that I want to get hold of him and
13 strangle him, but I cannot do anything. The most important thing now is that we are
14 now here in this courtroom and justice is looking after all this.

15 Q. For how long did the rape by the Banyamulengue take place?

16 A. Well, it must have lasted three to four hours, from 10 in the morning to 2 in the
17 afternoon. They began to sodomise me starting at 10 o'clock up to 2 o'clock. That's
18 when they ended. I was totally exhausted, but I didn't have a watch on me. I
19 couldn't write down the exact times.

20 Q. Thank you, sir. I've just noticed your microphone. Would you want maybe it
21 to be adjusted so you are comfortable? Are you comfortable the way it is, the
22 microphone?

23 A. Yes, I can continue to speak into this microphone. Don't -- can't you hear me?

24 Q. I mean the headphones. Are you comfortable the way they are or do you want
25 them to be adjusted?

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1 A. I can hear you quite well. They are just a bit big for me; that's why from time
2 to time I have to readjust them.

3 Q. Thank you. Are you able to hear me now?

4 A. Yes, I can hear you quite well.

5 Q. Thank you. Now, without mentioning your position, did these
6 Banyamulengue who raped you know (Redacted)?

7 A. No, he didn't know (Redacted). No, he didn't know
8 that. What I wanted to do was to defend the population. I couldn't just lie back
9 and look at the population suffering. That is how this all happened to me and that is
10 why they abused me.

11 Q. And did you at any time tell the Banyamulengue who raped you the (Redacted)
12 (Redacted)

13 A. I did speak to them about (Redacted). I spoke about that
14 before they sodomised me, but when I said to them that (Redacted)
15 (Redacted) they thought I was a soldier and they said that people like you are the
16 ones who gave accommodation to the rebels.

17 Q. Thank you. Now, I caution you again, without mentioning any names, did
18 anything happen to any of your wives?

19 A. Yes. One of them, the one who is still with me today, was raped, too, and she
20 had a child who ended up dying. She has problems in her pelvis and still today
21 there is no treatment for her.

22 Q. Sir, for clarification, what do you mean she was raped?

23 A. What I meant was that they slept with her. That's it. I meant to say that they
24 had slept with her.

25 Q. And who do you refer to when you say "they"?

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1 A. I am referring to the Banyamulengue.

2 Q. And when you say they slept with her, which part of her body did they use to
3 sleep?

4 A. They used their penis, Mr Prosecutor. They used their penis and introduced it
5 into her body.

6 Q. Thank you, Witness, for the answers. How many Banyamulengue raped your
7 wife?

8 A. Judges, I didn't realise that I was going to have to spell out the number of
9 people. The person herself is going to give details about this matter, because when
10 they began to use violence on -- against my wife, they sent me away and I wasn't able
11 to see what was going on.

12 Q. Witness, where were you and your children when your wife was being raped?

13 A. Thank you, sir. All of us were together in the same compound. After I was
14 raped, they began to look for the other people to sleep with them.

15 Q. So how did you know that indeed your wife was raped?

16 A. Prosecutor, how could I not know, because when they came I was in the house?
17 I was there and, when I realised that they were coming there, I thought that I should
18 send them to (Redacted) so that they could rest there, but
19 unfortunately, after sending them there, they came upon the fighting between the
20 rebels and the soldiers - Bemba's soldiers - and that was a very hard day.

21 Fortunately -- what I wanted to say is that it was on that occasion that the child of that
22 person who set up the NGO was killed. I'm sorry if I have gone on a little bit at
23 length on this topic.

24 Q. Thank you, Mr Witness. You have talked about the rape of one of your wives.
25 Did anything happen to the other two?

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1 A. Yes. My first wife, as soon as she heard gunshots, she fell to the ground and
2 never got up again. After they had done what they wanted to do, I sent the mother
3 of my child and all the children (Redacted), and I stayed with that one so as to try and
4 relieve her with warm water and I got -- paid for medicines to relieve her, but that
5 was no good, and she died. And the second one ended up leaving me and never
6 came back. The first died because of the gunshots that could be heard all over the
7 place.

8 Q. Sir, in your testimony you've just stated that your first wife never got up again.
9 What do you mean that she never got up again? What do you mean by that?

10 A. Prosecutor, what I wanted to say was that after she had heard the gunshots, she
11 fell to the ground. I wanted you to understand that she fell ill. She was paralysed.
12 One arm was paralysed and she could no longer speak. We tried to take care of her
13 with traditional cures, but that didn't do anything. We took her to the hospital too,
14 but that didn't do anything either.

15 Q. And whose gunshots are you referring to?

16 A. The Banyamulengue were the ones who were firing. More precisely, those
17 who were still very young. They were particularly fearsome. They were the first to
18 point at people. President, the young ones were particularly fearsome. They were
19 the ones that were gun-happy, and that is why my wife died.

20 THE INTERPRETER: Trigger-happy, correction. Women were not present.

21 MR BIFWOLI:

22 Q. Sir, you have also stated in your evidence now that this -- your second wife left.
23 That is on page 50, line -- from line 21. You said that, "And the second one ended up
24 leaving me and never came back." Now, what do you mean by this?

25 A. What I meant was that, once they had sodomised me, she said to me, "You are

1 no longer a man. You are a woman like myself, so I cannot live with you. I have to
2 leave you." And that is why she left, until her death.

3 Q. Witness, you also mentioned about (Redacted). What, if anything,
4 happened to him?

5 A. Thank you, Prosecutor. What happened to (Redacted) is that when he
6 was collecting our belongings, they realised that there were radio sets and they
7 realised that and they came back two days later. And when they came back, they
8 asked us who was there and I said, (Redacted) and they asked me,
9 (Redacted) They were talking French. And I said, (Redacted) Then they
10 said, "We need him to go and (Redacted)" He went over there (Redacted)
11 (Redacted) and then he wanted to come back in the evening. And when he asked
12 them for money, they refused to give him any because he was considered to be a
13 prisoner. He himself objected and insisted to get some money from them, and that is
14 when he was beaten.

15 We brought him back to the house and took him to the hospital and to Médecins Sans
16 Frontières, but that didn't work and he ended up dying. The Banyamulengue were
17 the ones to beat him. It is because of that that he was able to eat, and that is why he
18 went, so as to have means to eat, and that is when he got beaten until he was
19 dead -- beaten to death. It was truly sad.

20 Q. What did they use to beat him?

21 A. They beat him with the butt of their rifles, and one of his ribs was broken and
22 the medical treatment was not able to solve that and, actually, the hospitals didn't
23 operate. We had to treat him at home with minor medication, and later on he died.

24 Q. And do you know how many Banyamulengue beat him?

25 A. Prosecutor, I cannot really give you the number. I cannot say whether they

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1 were two, whether they were three, because he was taken by force to their base.

2 That is where he was (Redacted) and that is the place where he was beaten, so

3 I cannot give you the number of the people who beat him.

4 Q. Thank you, Mr Witness, for your answers. I will now move on to your

5 daughters, but once again I caution you not to mention any names. Did anything

6 happen to any of your daughters?

7 A. Prosecutor, I said earlier on that the whole family went through these atrocities.

8 My four daughters had to go through this. One of them I presume will soon be right

9 here; the second, the third and the fourth and the fifth, who is their mother. That

10 means that all of them were raped. One of them, who was aged 11, also underwent

11 the same fate. They didn't even feel any pity for that small girl. I think her case

12 was the one that really upset me. As for those who were aged 15, 16 and 18, it could

13 almost be tolerated, but as for the 11 year old, I simply couldn't stand it. It was

14 really terrible.

15 Q. Witness, for the purposes of clarity, what do you mean when you say, "they

16 were raped"?

17 A. What I meant was that they were forced to sleep with them. Whether or not the

18 person wanted to do so, that was what was going to happen anyway.

19 Q. And who do you refer to as "they" who raped your daughters? Who are these

20 "they" who raped your daughters?

21 A. I am referring to the Banyamulengue.

22 Q. And when you say they slept with them, which part of their bodies did the

23 Banyamulengue have to have relations with them?

24 A. Prosecutor, how does a man sleep with a woman? The man uses his penis to

25 put it into the vagina of the woman. That is why I said that they slept with my

1 daughters. He used his sexual organ to touch the feminine part of the person.

2 Q. Thank you for those details. Could you have prevented the Banyamulengue
3 from raping your daughters?

4 A. Prosecutor, that was looking for your own death. That meant that you would
5 be executed on the spot. I wouldn't be alive here today before the Court to be able to
6 tell the truth about what happened.

7 Q. Did your daughters consent to these rapes?

8 A. Prosecutor, they did not consent. I already told you here that when you
9 consent to an action you can no longer challenge that. Even if the person is bad,
10 when you consent to the act you can no longer take proceedings against the person.
11 And even if the person is very beautiful and you are not and you don't consent to the
12 act, whatever happens you can take proceedings against that person. If my girls
13 consented, we could not take proceedings against them. My daughters were not in
14 agreement and that is the reason why we decided to take actions. We thought it was
15 best that justice be done with regards to these acts and that is why I am here.

16 Q. And the Banyamulengue who raped you, your wife and daughters, were they
17 part of these eight who came to your home or they were part of a different group?

18 A. The eight who raped me were part of this group. Afterwards they left to join
19 another group which came back. Among the eight, three were small shooters. I
20 couldn't count them. After this rape, they came regularly, and I had to sent -- I had
21 to send the family to (Redacted).

22 Q. Sir, now let's talk about the return of the Banyamulengue to your house and I
23 want us to go step-by-step. The ones who returned to your house, were they these
24 eight Banyamulengue or a different group?

25 A. Prosecutor, when the eight left, afterwards they joined other people and came

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1 back. You couldn't look them in the eyes. They threatened everyone who looked
2 them in the eyes. You always had to look down so that you couldn't identify the
3 person. That was how it was, your Honour, Prosecutor.

4 PRESIDING JUDGE STEINER: Sorry to the Prosecutor. We are having some
5 problems with a few redactions that are needed, so it's just to warn the Prosecution
6 and mainly the witness to be very careful when referring to places or situations that
7 can identify the witness or members of his family. Thank you.

8 MR BIFWOLI: Thank you, Madam President.

9 Q. And, sir, as Madam President has pointed out, we know it's difficult, but try as
10 much as you can so that you don't mention any names or details that may identify
11 you or your family. Sir, when did these Banyamulengue return to your house?

12 A. Thank you for this question. They came back in the afternoon; that is to say,
13 from 12 to dusk. The night, they came when they want. I was still at -- at that time
14 when they came, I was still at -- in the shed and that was when I saw the -- I saw the
15 investigators. I showed that hangar -- I showed that place to the investigators and it
16 was there that they went to meet me.

17 Q. Sorry, maybe my question was not clear. After the Banyamulengue raped you,
18 you stated that after the rapes they went but they returned. Again, did they return
19 that particular day or after some days?

20 A. Thank you. It was the same day, the same evening. As they were in service,
21 they left; but when they finished their bad acts, they left. When they finished raping
22 me and all my family, they left. That was the same evening.

23 Q. And when they returned that evening, where were they staying?

24 A. I was in front of my door. I was sitting down, and my wives and children were
25 in front of the house. Each wife was in front of the house with her children. We

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1 were all there.

2 Q. Sir, I would like to rephrase my question. When these Banyamulengue -- you
3 say they returned to your home. When they returned that night you are talking
4 about, where were they staying upon return?

5 A. After the rape, they went back to their base. They dug trenches on Boali Road
6 next to the house where their staff headquarters was. Some of them were in the
7 trenches; some in houses. When they finished their bad acts, they went back to their
8 base to eat. When they finished eating, they came back to commit other atrocities.

9 Q. Now, still on these Banyamulengue who returned to your house, when they
10 returned in the evening for how long did they stay?

11 A. On that evening, they stayed until 8 o'clock in the evening. I didn't have a
12 watch. I didn't know what time it was exactly, but I can certainly estimate that it
13 was 20.00 hours or 8 o'clock before they went back to their base.

14 Q. For how long did these Banyamulengue keep on coming to your house?

15 A. Prosecutor, they could come back when they wanted. They weren't far,
16 (Redacted). Sometimes they went, they came back. It wasn't far from our
17 house. It wasn't far where they were, Mr Prosecutor.

18 Q. Sir, I mean the number of days. How many on different days did they come
19 back?

20 A. Thank you. Thank you, Prosecutor. We spent four days and we got to know
21 the commander. They came at any time of the day, the morning, the afternoon, and I
22 thought that it was best not to stay and do nothing. It was necessary to leave, so my
23 wife left to (Redacted), thinking that there they should be able to live in peace. To
24 my great surprise, when they arrived there, there was fighting. Every four -- for the
25 whole four days we spent there, we saw that they hadn't come to ensure our

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1 protection but to kill us.

2 Q. And what were these Banyamulengue doing in your house during these days
3 that they kept on coming back? What were they doing?

4 A. They came to look for women to sleep with them. They also took chickens,
5 goats that we had. They came to look for women. That was it. That was
6 everything that they did, Prosecutor.

7 Q. And, sir, this time when they kept on returning to your house, did they again
8 rape your wives or daughters?

9 A. Thank you, Prosecutor. I told you that during the four days that we spent
10 together, they were all next to my wives and girls who I sent to (Redacted).

11 Q. You've just told the Court on page 58, line 21, and I quote that, "They were all
12 next to my wives and girls who I sent to (Redacted) (sic)." Can you explain what
13 you mean by this?

14 A. Prosecutor, when I said that they came for my wives and daughters, it was so
15 that you would understand that they came to have sexual relations with them, and
16 having raped them, they went round to continue raping them, one after another, and
17 it was on this occasion that one of them became pregnant. They didn't come for
18 nothing. It was because of the women, Prosecutor. They just wanted to have
19 sexual relations with them and take everything that we had in terms of property.

20 Q. Did they rape them all these times that they kept on coming back?

21 A. Prosecutor, when one went into the bedroom, he could do everything he
22 wanted with you. And when they left, when they felt the need to sleep with a
23 woman, they would come back.

24 Q. Sir, how did you feel for the one week - or those four days, I think - when the
25 Banyamulengue were coming to your house? How did you feel when they kept on

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1 coming to your house and raping your wives and daughters?

2 A. Prosecutor, I know that I am a dead man. On that day, if I had even had a
3 homemade weapon, I would have killed one of them. Unfortunately, I had nothing
4 next to me. And if somebody has a weapon and you have a knife, what can you do?
5 Nothing. And that is how I didn't do anything. When somebody has -- brings food
6 to a goat to eat, the goat just eats, and that's how these Zairians did everything they
7 wanted to us. Also, Prosecutor, if our soldiers had not been disarmed, the fighting
8 would have continued. Unfortunately, they were disarmed. When we went to the
9 gendarmerie to complain, they told us that they were disarmed. They couldn't do
10 anything.

11 Q. What action did you take to save your family from these Banyamulengue who
12 kept on coming to your house?

13 A. Thank you, your Honour. In order to try and save my family, I asked them to
14 go. They left to (Redacted), to take refuge there, and I told
15 them to stay there until the Banyamulengue left. That's what I did, Prosecutor.

16 Q. Did you report the Banyamulengue who kept on coming to your house to
17 anyone?

18 A. Your Honour, when something happens, there's a witness next to it -- next to
19 you, then that's fine. I went to the police station, the gendarmerie, (Redacted)
20 (Redacted). I complained. I spoke about the suffering and the
21 violent acts committed on the population, and that is how (Redacted) took
22 measures such that these violent acts would continue. He said he knew -- would not
23 continue, these violent acts would not continue. And he said that he knew that the
24 people who were carrying out these barbarous acts had left. At the time when I was
25 stating this, (Redacted) wasn't there. I know that he took measures. He started to punish

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1 the perpetrators of rape, and stealing as well, and this is how -- I saw it with my own
2 eyes that he had punished a perpetrator with 100 lashes for stealing a device, and this
3 was given to someone else who left. That is to say that the perpetrator was lashed.

4 Q. Sir, you've told the Court how (Redacted) about these
5 Banyamulengue who kept on coming to your house, but did you also (Redacted)
6 or any authority about the rape that you and your family had undergone?

7 A. I went to see the chef and I heard about -- I said about what had happened.
8 Then I went to the gendarmerie, and it was there that they asked me to try, whatever
9 happens, (Redacted). And I searched everywhere. Then I found him, in
10 order to be able to speak to him about the violent acts that had been carried out, and
11 he replied to me, saying that it is not because -- it's not what we came to do.

12 Patassé - President Patassé - asked us to kill all the children over the age of two. So,
13 when I learnt his answer, I saw that my boys and myself were considered as dead,
14 and when I went back home I was completely sorrowful and I decided to get all my
15 children to leave, and I decided to stay.

16 THE INTERPRETER: The interpreter corrects, kill all the boys over the age of two
17 and not all the children.

18 MR BIFWOLI:

19 Q. Thank you for the details. I would like now to move to my next topic. Apart
20 from the rapes that you have mentioned, did the Banyamulengue take anything from
21 you?

22 A. Thank you, Prosecutor. They took a lot of things. *They took my vehicle which
23 I used to earn a living and feed my children. It was a (Redacted). They took the
24 electric coils for the mill which I used for grinding cassava. I had 18 of them, and they
25 took 17. They also used the electricity, which led to ENERCA cutting off the power. I

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0023

1 couldn't do anything because they took everything. They took everything from us,
2 and that meant I had nothing. I was somebody who had a lot, but they took
3 everything from me and I was left with nothing. I could do nothing.

4 PRESIDING JUDGE STEINER: Just one minute. Sorry to interrupt. Since we
5 started this second session of the hearing today a little bit earlier, I would like to ask
6 the interpreters and court reporters whether we can go to 4 o'clock or whether you
7 prefer that we adjourn now?

8 THE INTERPRETER: Your Honour, the Sango interpreters would prefer to conclude
9 today's session. They are tired.

10 PRESIDING JUDGE STEINER: So if the Prosecution so accepts, we are going to
11 adjourn for today. The Sango interpreters need to take their break and we can
12 continue then on Monday.

13 MR BIFWOLI: That's okay with us, Madam President.

14 PRESIDING JUDGE STEINER: Thank you. Thank you very much, Mr Witness.
15 This concludes today's hearing. Now we are going to adjourn. You'll be able to
16 have a restful weekend, because we are coming back to the court on Monday morning
17 for the morning session on Monday at 9.30. We thank you very much for your
18 cooperation. We wish you a restful weekend. Is there anything -- would you like
19 to address the Chamber before we adjourn?

20 THE WITNESS: (Interpretation) What I can say is thank you. Thank you.
21 Thank you for calling me to give testimony. Thank you.

22 PRESIDING JUDGE STEINER: The Chamber thanks you very much, Mr Witness.
23 So I'm going to ask the court officer to turn into closed session for the witness to be
24 taken out of the courtroom.

25 (Closed session at 3. 50 p.m.) Reclassified as Open session

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(Open Session)

ICC-01/05-01/08

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

2 (The witness stands down)

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

4 (Open session at 3.51 p.m.)

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

6 PRESIDING JUDGE STEINER: Thank you very much. So it's just to adjourn this
7 hearing and thank very much the Prosecution team, legal representatives of victims,
8 the Defence team, Mr Jean-Pierre Bemba Gombo, our interpreters and court reporters,
9 wishing you all a restful weekend. This hearing is adjourned and we will resume on
10 Monday at 9.30 in the morning.

11 THE COURT OFFICER: All rise.

12 (The hearing ends at 3.52 p.m.)

13 CORRECTIONS REPORT

14 The following corrections have been made in the transcript:

15 * Page 4 lines 4-5:

16 " That day we were in the village, and suddenly fighting began at PK10. " is corrected
17 by " That day we were in the village, and suddenly fighting began in Ngola, which is
18 right in PK10."

19 * Page 4 line 7-8 :

20 "so the soldiers intervened and this allowed Bozizé to flee toward the village." Is
21 corrected by " so the CEMAC soldiers intervened and this allowed Bozizé to flee
22 towards the village."

23 * Page 6 lines 13-14: "The ONAF is the place where the buses, or the big vehicles,
24 from Chad unload their goods." Is corrected by " The ONAF is the place where
25 the buses, or the big vehicles, from Duala or from Chad unload their goods."

26

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(Open Session)

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Witness: CAR-OTP-PPPP-0068

1 CORRECTIONS REPORT 2

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

3 in the transcript:

4 *Page 6 line 2

5 "That was in November." Is corrected by "It was a Saturday in November."

6 *Page 14 line 12

7 "...did you know that this town is a Lingala term..." Is corrected by "did you know
8 that this term is a Lingala term..."

9 *Page 20 lines 4 and 5

10 "They took the kitchen utensils, the foam mattresses, the portable phones, the
11 footwear, shoes that were still good." Is corrected by "So we let them take everything:
12 the kitchen utensils, the foam mattresses, the portable phones and footwear, shoes
13 that were still good."

14 *Page 49, line 22 to page 50 line 3

15 "They took my vehicle with which I was able to feed my children. There were -- there
16 was a (Redacted) which I used for the tapioca. They took 17 out of 18. They also
17 took -- they also took the generator. I couldn't do anything. They took everything.
18 They took everything from us, and that meant I had nothing. I was somebody who
19 had a lot, but they took everything from me and I was left with nothing. I could do
20 nothing. They took my mill for tapioca, as well." Is corrected by "They took my
21 vehicle which I used to earn a living and feed my children. It was a (Redacted). They
22 took the electric coils for the mill which I used for grinding cassava. I had 18 of them,
23 and they took 17. They also used the electricity, which led to ENERCA cutting off the
24 power. I couldn't do anything because they took everything. They took everything
25 from us, and that meant I had nothing. I was somebody who had a lot, but they took

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- 1 everything from me and I was left with nothing. I could do nothing.
- 2 RECLASSIFICATION REPORT
- 3 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 4 ICC-01/05-01/08-3038 and the instructions in the email dated
- 5 29 November 2013, the version of the transcript with its redactions becomes Public