

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(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 Monday, 4 April 2011
9 (The hearing starts in open session at 2.05 p.m.)
10 THE COURT USHER: All rise. The International Criminal Court is now in session.
11 Please be seated.
12 THE COURT OFFICER: Good morning, your Honours. Good afternoon, sorry.
13 We are in open session.
14 PRESIDING JUDGE STEINER: Good afternoon. 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. Good afternoon. I would like to
20 welcome the Prosecution team, the legal representatives of victims, the Defence team.
21 I notice that Maître Liriss is not here with us.
22 MR HAYNES: Out of courtesy to you, I think it's unlikely we will see him for the
23 next two weeks.
24 PRESIDING JUDGE STEINER: I hope it's nothing in relation to his health, or -- is he
25 fine? Yes?

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1 MR HAYNES: Yes.

2 PRESIDING JUDGE STEINER: I'm glad to hear it. Welcome, Mr Jean-Pierre

3 Bemba Gombo, our interpreters and court reporters.

4 Today we will start with the questioning of Witness 06, but before he's brought into

5 the court the Chamber has a couple of matters in relation to the questions of Witness

6 06 by the Defence. As well, the Chamber is going to issue an oral decision regarding

7 the application by Maître Zarambaud to question the witness. Finally, the Chamber

8 will address an unrelated matter concerning the filter screens on the computer

9 monitors in both this courtroom and Courtroom 2.

10 First, the oral decision on the application to question Witness 6 by Maître Zarambaud.

11 On 22 February 2011, the Chamber received an application by Maître Zarambaud on

12 behalf of the victims that he represents to question Witness 6. It's filing 1302-Conf.

13 Following an oral instruction by the Chamber issued on 30 March 2011,

14 Maître Zarambaud filed a corrigendum to his application on 31 March providing

15 further justification as to why the personal interests of the victims that he represents

16 are concerned. The application contains a list of 15 questions.

17 Having considered the reasons given by Maître Zarambaud as to why the personal

18 interests of the victims that he represents are affected, the Chamber allows the

19 application to question Witness 6 as set out in the aforementioned filing, except as

20 regards to question 3 part 6, question 4 part 2 and question 11, since the Chamber

21 considers these are speculative in nature and therefore should be rephrased by

22 Maître Zarambaud.

23 In relation to the length of questioning by the Prosecution and the Defence of Witness

24 6, in its filing on 26 October 2010 - it is filing 975-Conf - the Prosecution originally

25 estimated that it would need six hours to question Witness 6. However, in view of

1 issues that have arisen during the testimonies of other witnesses to date, the
2 Prosecution informed the Chamber by an email dated 1 April 2011 that it has
3 reviewed its time estimate for the questioning of this witness and it submits that it
4 would now require between eight and ten hours to complete its questioning.
5 Further, the Chamber was informed in the same email that the Prosecution had
6 consulted with the Defence as to how long the Defence may require to question
7 Witness 6 in order that the Prosecution could establish an approximate timetable for
8 subsequent witnesses. The Chamber is informed that the Defence has indicated it
9 will need between 16 to 20 hours to question Witness 6.
10 The Chamber appreciates that the original Prosecution estimate is exactly that, an
11 estimate, and therefore accepts the Prosecution's revised calculation for questioning
12 Witness 6.
13 As regards the Defence questioning, the Chamber instructs the Defence to
14 substantiate its estimate of 16 to 20 hours for the questioning of Witness 6 by
15 Thursday, 7 April, in order to enable the Chamber to effectively organise the witness
16 schedule prior to the recess to avoid gaps in the witness order of appearance.
17 Finally, in relation to a more general matter, the Chamber has been informed in an
18 email from Court Management that the security of information being displayed on
19 the screens in both this courtroom and Courtroom 2 may be compromised due to
20 parties and participants having removed the filters that are placed over the screens in
21 order to prevent information being read by persons in the public gallery, or to avoid
22 the information being broadcast to the public.
23 The Chamber, therefore, reminds the parties and participants that it is strictly
24 prohibited to remove these security filters placed on the screens in the courtrooms
25 due to their critical role in protecting the confidentiality of information displayed in

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1 court.

2 There are no in-court protective measures for Witness 06, and therefore I ask, please,
3 the court usher to bring the witness into the courtroom.

4 (The witness enters the courtroom)

5 WITNESS: CAR-OTP-PPPP-0006

6 (The witness speaks French)

7 PRESIDING JUDGE STEINER: Court usher, please, I will ask the witness to read the
8 oath in a few minutes. You can sit, please. You can be seated. Good afternoon, sir.

9 THE WITNESS: (Interpretation) Good afternoon.

10 PRESIDING JUDGE STEINER: You are most welcome to this Court. You were
11 called to give evidence in the case of The Prosecution versus Mr Jean-Pierre Bemba
12 Gombo. Before we start now, I would ask you please to take the card in front of you
13 containing the words of the oath and I ask you, please, to take the oath by reading out
14 the words printed on this card.

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

17 PRESIDING JUDGE STEINER: Thank you very much. Do we have translation of
18 the oath for the sake of the records?

19 THE INTERPRETER: Message from the English interpreters: Can you -- are you
20 receiving interpretation?

21 PRESIDING JUDGE STEINER: Now we are.

22 THE INTERPRETER: Very well, the interpreter will repeat. The witness said: "I
23 solemnly state that I shall tell the truth, the whole truth and nothing but the truth."

24 PRESIDING JUDGE STEINER: Thank you very much. Thank you, Mr Witness.

25 For the record, I have to ask you - I have to confirm - that you understand what the

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1 oath means?

2 THE WITNESS: (Interpretation) I perfectly understand the solemn commitment that
3 I just took to tell the truth, the whole truth and nothing but the -- and the entire truth.

4 PRESIDING JUDGE STEINER: Thank you very much. Witness, although you will
5 be testifying in open session and with your identity known to the public, there are
6 other victims, witnesses and persons connected with this case whose identities are not
7 publicly known. I would therefore ask that, with the assistance of counsel, you
8 exercise caution in mentioning the names of persons who may be considered
9 vulnerable in the context of these proceedings. If need be, we can go into private
10 session and then you can speak freely because the public cannot hear you.

11 Because we speak different languages, there is interpretation so that we can
12 understand each other. Because of this, it is important that you speak slower than
13 normal to allow the interpreters to do their job. Because sometimes this can be seen
14 as unnatural, it may be that you start speeding up and I will have to interrupt you to
15 remind you to slow down again. It's purely for practical purposes and should not
16 discourage you from speaking. Do you understand that, Witness?

17 THE WITNESS: (Interpretation) Entirely so.

18 PRESIDING JUDGE STEINER: I have some questions to put to you before you start
19 giving your testimony. Have you been given the opportunity to read the statement,
20 or statements, that you made to the Court?

21 THE WITNESS: (Interpretation) Indeed, yes, I did read my statement before
22 attending here in this courtroom.

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

25 THE WITNESS: (Interpretation) Yes.

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1 PRESIDING JUDGE STEINER: Is the information that you have provided in your
2 statement, or statements, true and accurate to the best of your knowledge and
3 understanding?

4 THE WITNESS: (Interpretation) As I said in my statement, there are things that I
5 heard, some things that I saw and things that I experienced, and I related all of them
6 in my statement.

7 PRESIDING JUDGE STEINER: Thank you very much. We will start, then with
8 your questioning by the Prosecution. I'm giving the floor to counsel. I just ask you,
9 please, to introduce yourself and your team for the record.

10 MR YILLAH: Madam President, your Honours, the Prosecution is represented this
11 afternoon by Ms Petra Kneuer, senior trial lawyer; Ms Horejah Bala-Gaye, assistant
12 trial lawyer; Frédérique Besse, case manager; and myself, Ibrahim Yillah, trial lawyer.
13 On behalf of the Prosecution, just for the record I shall be questioning the witness this
14 afternoon.

15 QUESTIONED BY MR YILLAH:

16 Q. Good afternoon, sir.

17 A. Good afternoon.

18 Q. Welcome to the International Criminal Court.

19 A. Thank you.

20 Q. Sir, I know that the courtroom is a familiar territory for you. I shall, therefore,
21 not rehearse all what Madam President has said to you. I need only remind you, sir,
22 about the special rules of this courtroom; what Madam President has referred to as
23 the five-second rule. This means that you should count to five in your mind before
24 answering my questions, or take further time to reflect, so that your answers are
25 accurately and correctly reflected in the trial record. If at any time you feel tired, sir,

- 1 please indicate for the Bench so that your Honours can give you some breaks. Do
2 you understand what I have just said, sir?
- 3 A. Yes, indeed.
- 4 Q. I will now explain to you, sir, how I propose to proceed with this examination.
5 What I propose to do is in the first part of the examination to introduce you to the
6 Court, to tell your Honours who you are, your personal, educational and professional
7 background. In the second part, sir, I intend to take you through events which may
8 have occurred in the Central African Republic between 2002 and 2003 and whatever
9 processes you may have undertaken in relation to those events; in particular, your
10 findings and your conclusions that you may have reached in whatever processes you
11 may have undertaken.
- 12 In the final part of the examination, sir, I intend to draw upon your personal
13 observations, what you may have observed, what you may have perceived and
14 experienced, that you may want to share with the Court. Is that an acceptable way
15 to proceed, sir?
- 16 A. Very well, I agree.
- 17 Q. Sir, can you state your full names for the trial record, please?
- 18 A. My name is Firmin Findiro.
- 19 Q. And can you state your age and date of birth for the record, please?
- 20 A. I am 42 years of age and I was born on 24 September 1969.
- 21 Q. Sir, can you tell us your date and place of birth, please?
- 22 A. I was born in Kembe, which is a sub-prefecture within the Central African
23 Republic, in the Central African Republic of course.
- 24 Q. What nationality do you hold, sir?
- 25 A. I am a citizen of the Central African Republic.

1 Q. Can you help the Court with information on your educational background and
2 qualifications, starting with your schooling, please?

3 A. Thank you. I am a lawyer and also a professional judge. I hold a Masters
4 Degree, Level 2, and I would also like to specify that when I was interviewed I only
5 had my degree and also a brevet as a judge, but I also now have a Masters Degree,
6 Level 2, and I am also preparing a doctoral thesis in international law; public
7 international law. So there you have it. That is my educational background.

8 Q. Thank you very much for that explanation, sir. I see you're doing very well
9 with the five-second rule. You're taking your time to answer my questions. That is
10 very well appreciated. Sir, did you undergo any compulsory military training?

11 A. Yes, when I had my training at the training school for judges we were required
12 to do our mandatory military training of two years in duration.

13 Q. Sir, without going into greater detail, can you briefly tell the Court what was
14 involved in this compulsory military training; what type of military training you
15 undertook?

16 A. That military training was included in the general training at the judges school;
17 that is to say, the intent was to ensure that we would have discipline as future judges
18 and it was restricted to the basic concepts of army life as well as a few exercises, but
19 no more than that. Weapons handling was taught just for protection purposes, but
20 we were not taught how to use assault weaponry.

21 Furthermore, we had to -- correction, the students were encouraged to show
22 discipline, respect and proper respect for the authority of the state.

23 Q. Thank you very much for that, sir. We shall be coming to the details of that
24 later on in the examination. But for now, I want to now direct your attention to your
25 professional background. Sir, what is your profession?

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1 A. I'm a judge and at the present time I'm Prosecutor for the Republic with the
2 Court of Great Instance of Bangui.

3 Q. Sir, what are your duties and functions as a judge of the Tribunal de Grande
4 Instance de Bangui?

5 A. My duties as Prosecutor of the Republic at the Tribunal de Grande Instance of
6 Bangui, I lead the accusation at the first level; I undertake investigations; I lead the
7 action undertaken by the criminal investigation police under my responsibility and
8 undertake any and all operations concerning public action, in general.

9 Q. Sir, for how long have you been in the legal profession?

10 A. I left the training school for judges on 5 March 1996 and immediately thereafter
11 became a judge. Now, if you count from 5 March 1995 until today that means
12 15 years, one-five, 15 years that have elapsed since I have become a judge. Now,
13 specifically referring to my duties as Prosecutor of the Republic, 1 August 2003 was
14 the date at which I was appointed Prosecutor. I am a Prosecutor to this day, which
15 means that I'm going into my eighth year as Prosecutor.

16 Q. Sir, you've just told the court you were appointed Prosecutor of Bangui, of the
17 Republic, on 1 August 2003. Now, I would like you to briefly tell us about your
18 professional journey, the positions which any that you had occupied in the law before
19 you were appointed Prosecutor of Bangui.

20 A. When I left the training school for judges, I was appointed as a conseiller d'Etat
21 at the state council, conseiller d'Etat, an administrative jurisdiction of 1996 up until
22 1998. For two years I was there, at the conseiller d'Etat. And in 1998, I was sent to
23 the provinces, to one particular prefecture, the prefecture of Ouaka, still as a member
24 of the state council in order to be Prosecutor of the Republic before the Tribunal de
25 Grande Instance of Bambari, which is the capital of that particular prefecture. In the

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1 year -- between the years of 1998 and 2000, I discharged those duties, and in 2000
2 I was appointed Prosecutor of the Republic before the Tribunal de Grande Instance of
3 Bangui, and I have -- and I discharged that function until 2001. Again then, I was
4 sent to a city in the provinces, Kaga-Bandoro, as Chief Justice of the Tribunal de
5 Grande Instance of that particular locality. And towards the end, 2001, beginning of
6 2002, I was appointed Chief Justice of the Tribunal de Grande Instance of Bouar
7 where I remained until I was appointed yet again to the Tribunal de Grande Instance
8 of Bangui.

9 Q. Sir, I thank you very much for that detailed explanation. Now, I want to take
10 you briefly outside of your professional occupation in the law and ask whether, apart
11 from your professional position in the law, whether you are a member of any other
12 organisation or association?

13 A. Indeed, sir. Where Bangui is concerned, I am a member of the Central African
14 Human Rights Observatory, in French, observatoire centrafricaine des droits de
15 l'homme. This is a non-governmental organisation dealing with fundamental rights.
16 At the subregional level in Central Africa, I am the standing secretary of an NGO
17 called OFAC, that is to say, the observatory for the fight against corruption in Central
18 Africa. That's it.

19 Q. Sir, in answer to my question you mentioned two organisations, one which is a
20 human rights NGO and another which is an anti-corruption body. I will direct this
21 first question to the human rights NGO. Is this NGO independent of government or
22 is it affiliated to government?

23 A. As it names -- as its name indicates, the human rights -- the Central African
24 Human Rights Observatory is a non-governmental organisation which has no link
25 whatsoever with the government. It is an NGO like the Central African Human

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1 Rights League. There's absolutely no subordination to any particular political body.

2 Q. What about the anti-corruption body that you referred to, is it also independent
3 or is it affiliated to government?

4 A. The other organisation is not affiliated to any government. It is an association
5 which was created by civil society organisations in Central Africa, bringing together
6 some nine countries, but on which there is no influence from any of the governments
7 of the nine countries in question.

8 Q. Sir, I'll be coming to the relevance of why I have been asking those questions
9 later in the examination, but now I want to direct your attention to briefly tell us
10 about the Central African Republic, very briefly, so that we have not had a
11 background expert in this court to briefly tell -- give us background information
12 about the country; where is it, where is it located, where is it situated, and the like.

13 A. Thank you. The Central African Republic is a country at the centre of the
14 African continent. It is a land-locked country, no opening onto the sea. It's a
15 country that borders on several other countries; to the west, you find Cameroon; to
16 the north, the Republic of Chad; to the south, Sudan; and soon, the new state of South
17 Sudan or, rather, to the extreme east. To the south, the Democratic Congo and a bit
18 towards the southwest, Congo-Brazzaville.

19 Central African Republic has to be a large surface, 623,000 square kilometres,
20 population some 4 million inhabitants. It's political regime is a democracy based on
21 a variety of political parties, freedom of the press, and respect for all fundamental
22 freedoms. The Central African Republic, from an economic vantage point, remains
23 to this day a poor and essentially agricultural country. In a nutshell, this is the
24 information I could give you. Thank you.

25 Q. Thank you very much, sir. Sir, how long have you lived in the Central African

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1 Republic?

2 A. I was born in the Central African Republic; I grew up in the Central African
3 Republic and most of my studies I carried out also in the Central African Republic;
4 and therefore I'm warranted in saying that out of my 42 years of age some 40 years
5 were spent on the territory of the Central African Republic.

6 Q. Sir, this may be an obvious question to you but, just for the record, what is the
7 capital city of the Central African Republic?

8 A. The capital of the Central African Republic is called Bangui.

9 Q. A while ago you mentioned five countries which border the Central African
10 Republic. Are you able to tell this Court whether Bangui shares a border with any of
11 the countries that you mention and which country, please?

12 A. Indeed. The Central African Republic -- or let me start again. The longest
13 border separating the Central African Republic from another African country is the
14 border separating us from Congo, and Bangui is at the edge of a long and great river,
15 the Ubangi River, which separates these two countries. On the other bank of the
16 river, across from Bangui, you have the Congolese city of Zongo.

17 Q. Sir, you've just mentioned Zongo on the other side of the river in the
18 Democratic Republic of Congo. Are you able to tell the Court in what region of the
19 Democratic Republic of Congo is Zongo is situated?

20 A. It's the region known as Équateur, which is immediately on the border of the
21 territory of the Central African Republic. And Zongo, to which I have just referred,
22 is the city across Bangui, separated by the river whose name I just gave you.

23 Q. Sir, let me ask you a question which is personal to you. Have you ever
24 travelled from Bangui to Zongo, across the river you just mentioned, the Ubangi
25 River?

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1 A. No. No, I'm afraid I never crossed that border to go onto the other side, to go
2 to the city of Zongo, no.

3 Q. That's okay, sir. But are you able, based on your observation - and you told us
4 that you have lived for 40 years in the Central African Republic - are you able to give
5 the Court an estimation of how long it would take to travel from the edge of the river
6 in Bangui to the edge of the river in Zongo? An approximation would be fine.

7 A. It's not a great distance, really. It's just the Ubangi River that you would have
8 to cross. If you take a canoe without a motor, it would take you some 20, 20 minutes.
9 You can cross by boat, rowing. If you have a motorboat, it's much faster. In
10 15 minutes you could cross the river. And allow me to specify that when the river is
11 in spate the crossing can take longer, but not much longer, but when the water is at
12 an ebb, as it is at the present time, you can cross very rapidly.

13 MR YILLAH: Thank you very much, sir.

14 Madam President, your Honours, at this stage the Prosecution respectfully requests
15 your Honours that document EVD-T-OTP-0038 -- actually, the ERN is
16 CAR-OTP-0007-0321, be displayed on the screen, respectfully, for the witness.

17 PRESIDING JUDGE STEINER: Court officer, please.

18 MR YILLAH: It is confidential, Madam President.

19 PRESIDING JUDGE STEINER: The blinds behind the witness need to be lowered.

20 THE COURT OFFICER: Document CAR-OTP-0007-0321 is available on your screens,
21 is marked as confidential, and it bears reference EVD-T-OTP-00382. You can access
22 the document by pushing the button "PC1" next to your screens.

23 MR YILLAH:

24 Q. Sir, on the screen to your left, do you see a map which is a map of Bangui?

25 A. It is, indeed, the map of Bangui.

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1 Q. Sir, can you take your time to carefully look at that map. You mentioned
2 several areas during your examination a few minutes ago. You mentioned the
3 Ubangi River.

4 MR YILLAH: Can I ask, Madam President, that the witness be assisted, because I
5 would make a request that he marks the Ubangi River.

6 PRESIDING JUDGE STEINER: Mr Yillah, we have two options. The first one that
7 may be a little bit complicated is to ask the court usher to help the witness to make
8 marks on the screen. The second one would be the Prosecution give a hard copy to
9 the witness and then the hard copy with the marks will be attributed another
10 EVD-T-OTP number.

11 MR YILLAH: We're grateful, Madam President, and we'll take the second option.

12 PRESIDING JUDGE STEINER: Thank you very much.

13 MR YILLAH: Can you show it to the Defence, please.

14 THE WITNESS: (Interpretation) May I write on this map?

15 MR YILLAH:

16 Q. I will ask you questions and I will ask -- I will direct where you write, if you
17 will be patient with me, sir. Is that okay?

18 A. Okay.

19 Q. Sir, a short while ago you mentioned the Ubangi River. Can you indicate by
20 doing a circle and marking "OR," Ubangi River, on the map in front of you. Are you
21 able to do that?

22 A. I can do that. It is done.

23 Q. Thank you, sir. You also mentioned Zongo, which is on the other side of the
24 river in the DRC. From the map in front of you, are you able to indicate by circling
25 the area you referred to as Zongo and marking it with the letter "X" -- with the letter

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1 "Z," Zongo.

2 And last on the map, sir, you also mentioned Bangui. Can you just indicate on that
3 map by a circle and the letter "B" where you referred to as Bangui, which area of the
4 map the area you referred to as Bangui.

5 Have you marked it, sir?

6 A. I have already done so.

7 MR YILLAH: Madam President, at this stage the Prosecution moves that this
8 document be offered into evidence and requests, as your Honour rightfully pointed
9 out, a new EVD-T number because of the markings of the witness.

10 PRESIDING JUDGE STEINER: Court officer, please, a new EVD-T-number for the
11 document. And court usher, please, get the document from the witness table. The
12 document will be uploaded. Would the Defence be interested in having the
13 document shown on the screen?

14 MR HAYNES: No, it would be sufficient if we could just have a look at it now.
15 Thank you very much, your Honour.

16 PRESIDING JUDGE STEINER: Court usher, please take the document, show the
17 document to the Defence and bring it to the court officer.

18 THE COURT OFFICER: Madam President, the document will be marked as
19 confidential and, as modified by the witness, it will bear reference EVD-T-OTP-00604.
20 Thank you.

21 PRESIDING JUDGE STEINER: Mr Yillah, you can proceed.

22 MR YILLAH: Thank you, Madam President.

23 Q. Sir, what is the official language of the Central African Republic?

24 A. The Central African Republic has two official languages: There is the Sango
25 language, spoken on all of the territory, and the French language.

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1 Q. And I apologise, sir, because earlier I should have asked you what languages
2 you speak yourself and I will do so now. What languages do you personally speak,
3 as a Central African?

4 A. I speak the language of my tribe, the Gbaya language. I speak Sango, which is
5 a vernacular language spoken by all Central Africans. I speak French, which is also
6 the language of my studies, and to some poor extent, English.

7 PRESIDING JUDGE STEINER: Sorry to interrupt you. Do you still need the
8 document to be displayed on the screens?

9 MR YILLAH: Madam President, I had not told you yet to take it off. I'm sorry.

10 PRESIDING JUDGE STEINER: So the court officer can cease the display and the
11 blinds could be lifted.

12 MR YILLAH: I'm grateful.

13 Q. Sir, at page -- a while ago, and I'm referring to page 14, lines 12 to 13, on the
14 English real-time transcript here, you mentioned that the population of the Central
15 African Republic is four million. Does that accurately reflect what you said a while
16 ago?

17 A. I said that the Central African Republic has approximately four million people.
18 That's what I said.

19 Q. When you say "approximately four million people," at the time -- I want to take
20 your mind back to the period between 2002 and 2003. Are you able, if you can, to
21 tell the Court what approximately the population of the Central African Republic was
22 at that time?

23 A. No, I don't have the figures in my memory, but I think that the population has
24 increased. So you can see that, when I gave the answer for the current numbers, I
25 wasn't thinking of those numbers. I think the last census was a few years ago, so

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1 I can't give you an exact figure for the present date for the population and I can't tell
2 you what the population was in 2000.

3 Q. That's okay, sir. But, sir, are you in a position to tell the Court, given that you
4 have told us that you lived in the Central African Republic for 40 years, practically all
5 your life, are you in a position to tell the Court which parts of the Central African
6 Republic have the highest concentration of population?

7 A. The capital, Bangui.

8 Q. When you say "The capital, Bangui," sir, are you also in a position to tell the
9 Court whether you are referring only to the capital city Bangui, or are you also
10 referring to its environs; its various neighbourhoods?

11 A. When speaking about "The capital, Bangui," I am referring both to the suburbs;
12 the outlying districts on the edge of the city of Bangui.

13 Q. Sir, just for the record, can you provide the names of these outlying suburbs
14 that you are referring to; the suburbs of Bangui?

15 A. I'll try and give you the details for them. Towards the north there's the 12th
16 Kilometre, which is the northern exit from the city of Bangui, and that is the road
17 which leads both to the national roads and international roads of the country. So the
18 PK12 district has had expansion. You can talk about PK12, PK15, and on the road to
19 Boali and on the road to Damara. That's in the north.

20 Now, for the south, there's the river which stops the city spreading further, and there
21 you have the city centre and the district along the river. You have the Sango district,
22 and you go along the river all the way to Bimbo and then you go up to Ouango.

23 To the west, you have districts which are almost right next to the international airport
24 of Bangui-M'Poko. So that's what you have for Bangui and the neighbouring
25 districts. There are lots of them. I haven't cited them all.

1 Q. That's okay, sir. I just want to propose now several names of certain places
2 that have arisen in the course of these proceedings. Sir, does "Boy-Rabé" mean
3 anything to you?

4 A. Yes, Boy-Rabé is a district. Well, how can I describe it? It's the northern block,
5 you could call it, and it's also one of the districts where violence occurred.

6 Q. Sir, you just said that Boy-Rabé is the northern block. Just to clear the trial
7 record, the northern block of where? Is it in relation to Bangui, or in relation to
8 another place?

9 A. In relation to Bangui.

10 Q. Sir, what about PK22? Where is it situated in relation to Bangui?

11 A. PK22 is going even further north after PK12. You have PK22 on the road to
12 Damara. I said earlier that PK12 is the northern exit, and at that point there are two
13 paths. One goes into the national network of roads and that's where you find PK22,
14 and then the other path goes through the country on an international road and you
15 can find other areas on that side, but PK22 is still on the same road of PK12, going
16 north of course.

17 Q. Sir, just one more place in relation to the areas. What about Begoua? Where
18 is Begoua situated in relation to Bangui?

19 A. Begoua is still in the PK12 block, at the northern exit.

20 Q. Thank you, sir. Having told us about Bangui and its environs and you said
21 earlier that the largest concentration of population is in Bangui and its
22 neighbourhoods, sir, are you in a position to roughly tell the Court which areas of
23 Bangui hold the high concentration of population?

24 A. According to the latest census, the area of the 5th arrondissement and the 3rd
25 arrondissement have a lot of neighbourhoods there and a lot of people.

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1 Q. I apologise, it was my fault. I mean at the time of the events in 2002/2003,
2 which areas of Bangui -- which areas in Bangui and its environs held the highest
3 concentration of population at the time of the events?

4 A. At the time of the events? I can't really understand the question. Are you
5 trying to ask me what districts were affected, or where the population was at the time
6 of the events? Could you please explain that to me?

7 Q. Thanks for directing me, sir. I will now put that question to you. Although I
8 said I will be addressing the events in the second part of the interview, but since you
9 have brought it up, what are the districts that were attacked at the time of the events,
10 can I just ask you to name the districts that were attacked at the time of the events
11 based on what you have said in Bangui and its neighbourhoods?

12 A. There are the neighbourhoods which aren't far from an avenue that goes to
13 PK12. There is the Fough neighbourhood, the Gobongo neighbourhood, PK11 and
14 PK12 and also the Boy-Rabé neighbourhood. They are the neighbourhoods I can
15 talk about. I know that there is something off towards the 2nd arrondissement, but
16 I don't have much information about that.

17 Q. Sir, thanks for mentioning the areas in and around Bangui that you say were
18 attacked. We will come into the details later of these attacks and events, if any, but
19 are you able to tell the Court from what you know whether these areas that you have
20 specified were attacked held a high concentration of population at the time of the
21 events between 2002 and 2003?

22 A. I can say that it's the area of the 4th arrondissement and further on. There
23 were indeed a number of people there; lots of people. If I can go back a bit, I'd say
24 that in the period from 1996 to 2001 there was a major crisis and there were divisions
25 in the population. The people who lived in the south along the Ubangi River didn't

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1 get on with others, and all the people who lived on the other side had to go back
2 towards the northern neighbourhoods, so in 2002 that group of neighbourhoods was
3 an area where there was a large number of people.

4 Q. Sir, you've just used the expression in the English translation, "That group of
5 neighbourhoods was an area where there was a large number of people." Which
6 group of neighbourhoods? Is it the northern part of Bangui, or is it another area?
7 Which group of neighbourhoods are you referring to?

8 A. Yes, I think we need to explain this. I'll explain it again. The northern part
9 has a lot of neighbourhoods, but not all the northern part was affected.
10 All along the main avenue that goes through the city to the northern exit, there are
11 neighbourhoods; the 36 Villas, Nociva (phon), 200 Villas, Gobongo, PK11, and so on,
12 going up to PK12 and the village of Lipton. I'll come back to that later. So that's
13 why I talk about a group of neighbourhoods. I trust I've made this clear.

14 Q. Thank you very much for the clarification, sir. Just one last question in relation
15 to these areas: Are you able to tell the Court, to give the Court a description or an
16 explanation of the inhabitants of these areas; who were the people who were living in
17 these areas at the time of the events?

18 A. People living in those neighbourhoods at the time of the events, and many more,
19 originally came from the northern part of the entire Central African Republic and also
20 the central and north or central/north region. And you'll also find people from the
21 Mandja-Gbaya ethnic groups, and others, in those districts.

22 Q. Thank you, sir. Sir, I will now direct your attention to events which may have
23 occurred in the Central African Republic between 2002 and 2003 and try to obtain
24 information from you as to whatever steps or processes you may have undertaken in
25 relation to those events. Do you understand the new topic we are moving to now,

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1 sir?

2 A. Yes, I understand.

3 PRESIDING JUDGE STEINER: Mr Yillah, if you allow me - before you start another
4 topic in your questioning - I just wanted a confirmation from the witness. When you
5 mention, "all along the main avenue that goes through the city to the northern exit,"
6 I'm looking at the map, are you talking about Avenue de l'Independance?

7 THE WITNESS: (Interpretation) Yes, that is it.

8 PRESIDING JUDGE STEINER: And this avenue, it's the same -- or it changes name
9 only, as the Route de Damara, it's the same avenue?

10 THE WITNESS: (Interpretation) From the city centre to PK12, it's called Avenue de
11 l'Independance. At the level of PK12, there's a road is that runs off; and going to the
12 right, you have the road going to Damara; and going to the left, you have the road to
13 Boali and further.

14 PRESIDING JUDGE STEINER: Thank you very much.

15 MR YILLAH:

16 Q. Sir, before Madam President intervened, I was directing your attention to a new
17 topic which relates to the events in the Central African Republic and what processes
18 you undertook in your capacity as a Prosecutor in relation to those events. Do you
19 understand the new topic we're moving now to, sir?

20 A. Yes. Can I answer?

21 Q. Yes, but I will ask questions and then I will request answers from you back.
22 Sir, where were you living between the period October 2002 to March 2003? You
23 need not specify the particular address; it is sufficient to state the country that you
24 were living at the time.

25 A. In the Central African Republic.

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1 Q. Sir, you told the Court a while ago that you were appointed Prosecutor of the
2 Republic in Bangui in 2003. Sir, while serving in that capacity in 2003, were you
3 involved in any investigations related to the events that took place in the Central
4 African Republic between October 2002 and March 2003?

5 A. I didn't know of any investigation being conducted into the events of 2002 and
6 2003 until I was appointed; but I could point out that it was in 2003 that a committee
7 was set up under the auspices of the United Nations Programme for Development
8 and UNICEF, in partnership with the Ministry of Social Affairs, to count the victims
9 and do work which I could call investigation, but more medical investigation.

10 Q. Sir, you've just referred to when you were appointed in 2003; but you could
11 point out, according to your evidence, "that it was in 2003 that a committee was set
12 up under the auspices of the United Nations Development Programme and UNICEF,
13 in partnership with the Ministry of Social Affairs, to count the victims and do the
14 work which I could call investigation."

15 Sir, what was the work of this committee? Are you in a position to provide,
16 probably in greater detail, what the work of this committee was that preceded what
17 you call an investigation?

18 A. I was not involved in the work of the committee, but I can tell you that the
19 results of the work done by the committee that provided us with some of the basis for
20 the investigation we conducted. The committee found information mainly on
21 victims; some of the victims came of their own accord after being given information
22 about the existence of the committee, for example. They came of their own accord
23 and there were immediately medical examinations done of these victims, according to
24 the stories they told.

25 Q. Sir, on two occasions just a minute ago you've mentioned the word "victims"

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1 twice, that this committee was involved with, this committee concerning the Ministry
2 of Social Affairs and the United Nations Development Programme. Which victims
3 are you referring to, sir?

4 A. I would like to refer to the victims of action by the MLC rebels, when they were
5 in the Central African Republic.

6 Q. Sir, was it -- was this -- were these victims in relation to the events which
7 occurred between October 2002 and March 2003? Are you in a position to tell the
8 Court whether those are the victims who came forward?

9 A. Could you rephrase your question, please, sir, so that we can understand it?

10 Q. I will, sir. In answer to my last question, you said, and I quote in the last two
11 sentences, "I would like to refer to the victims of action by the MLC rebels, when they
12 were in the Central African Republic." My question is just to clarify the trial record.
13 Were these victims in relation to events that had occurred in the Central African
14 Republic between October 2002 and March 2003, or another time?

15 A. They are the victims of events in October 2002 going up to 2003.

16 Q. Sir, you've told the Court what the committee involving the Ministry of Social
17 Affairs and United Nations were doing which preceded, according to what you
18 answered, to what I call an investigation. I will now direct -- I would like to direct
19 my attention to you, as a Bangui Prosecutor in 2002, did you undertake any
20 investigations as a result of the information you obtained from the committee from
21 the Ministry of Social Affairs, did you undertake any investigation into those events
22 between 2002 and 2003?

23 A. No, I didn't do an investigation, as such. To try and go back to the beginning
24 of the proceedings, I could say that I received a request with a letter from the Ministry
25 of Justice asking me to open up a case and conduct investigations on events from

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1 October 2002 to 2003.

2 When I received that letter, the Prosecutor's office had problems; we still didn't have
3 security in Bangui, the criminal police premises had been completely ransacked with
4 the events from October 2002 to 2003. And so on the basis of the work done by the
5 committee which I've just mentioned, I immediately opened a legal investigation. So
6 the examining judge was contacted and had to -- had the responsibility of conducting
7 the investigation.

8 PRESIDING JUDGE STEINER: Mr Yillah, I'm really sorry to interrupt you, but
9 I think it's time for us to go to our break. We will have today two sessions of one
10 and-a-half hours each, so I apologise but it's time for us to suspend.

11 Witness, we are having now a half-an-hour break in order for you to take some rest,
12 as well as our interpreters and court reporters. It is 3.30. We will resume at
13 4 o'clock. Court usher, please.

14 (The witness stands down)

15 THE COURT OFFICER: All rise.

16 (Recess taken at 3.30 p.m.)

17 (Upon resuming in open session at 4.05 p.m.)

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

19 PRESIDING JUDGE STEINER: Welcome back. First of all, I wanted to apologise to the
20 parties and participants. Apparently, there has been a miscommunication and parties
21 and participants were not communicated that the Chamber intended to sit today only for
22 three hours, two sessions of one-and-a-half hour's each. So I apologise for this
23 miscommunication, or lack of communication, let us say.

24 Court usher, could you please bring the witness in.

25 (The witness enters the courtroom)

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1 PRESIDING JUDGE STEINER: Witness, welcome back. I am giving the floor to
2 Mr Yillah to continue with his questioning.

3 MR YILLAH: Thank you, Madam President, your Honours.

4 Q. Mr Witness, sir, just before the break we were discussing about your investigations,
5 if any, into events which may have occurred in Central African Republic between
6 October 2002 and March 2003. Do you recall that, sir, just before the break?

7 Sir, can I ask you to be a little bit audible.

8 A. Yes, I remember.

9 Q. Sir, just before we continue with the questions, we ended off where you told us that,
10 as a result of a letter from the Ministry of Justice asking you to open the case, you opened
11 a legal investigation. What I would just like to raise two questions already on the
12 transcript for clarification, just to clarify the record, and then we can move forward. Is
13 that an acceptable way to proceed?

14 A. Yes.

15 Q. Sir, on page 28 of today's real-time transcript, I'm referring to lines 11 to 19 - this is
16 our transcript here, the live transcript - you stated that you were not involved in the work
17 of the committee, the Ministry of Social Affairs Committee and the UNDP, but you said
18 further, "But I can tell you that the results of the work done by the committee provided us
19 with some of the basis for the investigation we conducted." Do you recall saying that?

20 A. Yes.

21 Q. It is not clear from the trial record how the committees work. You said, "It
22 provided basis for the investigation we conducted." How did this committee's work
23 provide the basis? How did it help further your investigations?

24 A. Thank you. I shall specify that if I said a few moments ago that the work done by
25 that committee was very useful to us for the investigations, I said that because -- well, first

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1 of all, in terms of the Prosecution, we had not conducted investigation in and of itself, and
2 the examining judge who had the matter before him received this matter only on the basis
3 of the report that had been drawn up by the committee. So that was the foundation on
4 which the -- well, the legal information began, and that is why I said that report was the
5 foundation, or the basis, for us. I don't know whether I've made myself clear?

6 Q. Sir, you have indeed. You have made yourself clear.

7 A. Thank you.

8 Q. The other question that relates to the evidence you've given us earlier concerns the
9 request, the letter that you said you received from the Ministry of Justice. I'm referring to
10 page 30 on today's real-time transcript, lines 1 to 8, continuing up to lines 12. You said,
11 and I quote, "I could say that I received a request with a letter from the Ministry of Justice
12 asking me to open up a case and conduct investigations on events from October 2002 to
13 2003," and then you went further to explain that when you received that letter you had
14 problems. It is not clear from the record so far what is the content of this letter. What is
15 the subject matter of this letter that was addressed by the Minister of Justice to you?
16 What did it entail?

17 A. Within the hierarchy of the public ministry in the Central African Republic, the
18 Minister of Justice intervenes, or acts, at the very top. He is the person who is -- to whom
19 the Prosecution reports, and in the letter the minister gave instructions to the Prosecutor
20 of the Republic to begin a legal inquiry into the events of 2002/2003 and to determine the
21 responsibility, taking into account the victims who were earlier investigated by this
22 committee that I spoke of before. I reiterate: The minister's letter was forwarded, or
23 referred, and with the report that had been drawn up by the committee.

24 Q. Now, we are at a point where, as a result of the ministry's letter, you opened up a
25 legal investigation, a legal inquiry or legal investigation. Sir, can you now tell us what

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1 was the subject matter of the investigation that you opened, together with the examining
2 judge that you referred to earlier?

3 A. Of course, it was a criminal investigation. The aim of the investigation was to
4 determine who was responsible for the crimes perpetrated upon these victims and to
5 bring these people before the courts. That was the main purpose of this legal inquiry
6 that we began. I don't know whether that reply is sufficiently clear?

7 Q. It does, sir. Sir, you've spoken about the subject matter of the investigation. I
8 want to now discuss with you what was the scope of these investigations? What did the
9 investigations entail? What was it about? The subject matter -- the scope, rather?

10 A. A great many violations were envisaged. People had been killed. People had
11 been raped. * People's belongings had been destroyed, stolen, looted.
12 People had been deliberately injured as well. Attacks upon... intelligence was gathered in
13 conjunction with foreign powers. A great many violations were covered in our
14 investigation. Furthermore, there were a number of crimes that were committed that were
15 financial in nature.

16 Q. Sir, you've just provided information on the scope and subject matter of what you
17 investigated. Now, without going into much greater detail, can you perhaps briefly in
18 your own time tell the Court -- provide the Court with the background of the events that
19 informed this investigation? What actually happened in the Central African Republic at
20 the time? Who was involved? Please help the Court with the background information,
21 briefly, please?

22 A. The context was as follows. In October 2002, more specifically 25 October, rebel
23 troops led by General Bozizé entered Bangui and they attempted to overthrow the
24 President, President Patassé. The troops arrived in Bangui, and in response to the
25 actions by these troops Ange Felix Patassé, the President, had the rebel troops of the

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1 Mouvement de Libération du Congo, led by Mr Jean-Pierre Bemba -- he had these troops
2 come into the country. And when these troops arrived in Bangui, in the meantime the
3 rebel troops, who were having difficulty in terms of ammunition that was faulty,
4 withdrew - they fell back - and the MLC troops came in and they were deployed in the
5 field. Now, first of all they were stationed with the régiment de soutien, the support
6 regiment, not far from the Avenue de l'Indépendance, but not far from the
7 neighbourhoods affected by the events. From there these troops were deployed, and
8 when they were deployed they went throughout all the neighbourhoods, or at least some
9 of the neighbouring areas along the avenue, Avenue de l'Indépendance at PK12, and there
10 were many violations committed: Rapes, looting, et cetera.
11 Those troops then were deployed a bit further afield from Bangui. They occupied a great
12 many places. First of all, PK12. Well, there was -- there was a place near Begoua, the
13 Begoua school, about 300 metres from that school they were stationed, and along the road
14 to Damara, also at PK22. As for the road to Boali, also out more towards Begoua, they
15 occupied a position at PK25, at Boali, close to a hill, going up a hill, and also in
16 Bossembélé where they occupied the two exit ramps: One leading towards Yaloke and
17 the other which leads towards Bossangoa.
18 In 2003, when President Ange-Felix Patassé government was overthrown, General Bozizé
19 was greeted by a crowd of enthusiastic supporters and a new era began and a new
20 transition began. The constitution was suspended and a number of transitional bodies
21 were set up with a view to settling a number of problems afflicting the country, and as of
22 that particular point in time another investigation began. When Patassé's government
23 was overthrown, this committee I was speaking of earlier had to carry out its work, and
24 that work was sent to us, along with a letter, so as to begin the legal proceedings. So I
25 can limit myself to that, but if you require further explanations I can go into greater detail.

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1 I thank you.

2 Q. Sir, you have indeed provided information on the background to the events. I will
3 now ask some few follow-up questions on the context of what you have provided us; is
4 that okay?

5 A. Yes, that is fine by me.

6 Q. Sir, at page 35 of today's real-time transcript, lines 22 to 23, you stated just now that,
7 "... and there were many violations committed: Rapes, looting, et cetera." Who
8 committed these violations?

9 A. The investigation that we carried out regarding Bangui dealt with many people.
10 The -- there were many perpetrators. In terms of human rights violations, murders,
11 violent acts, looting, et cetera, the responsibility of President Patassé was examined; the
12 responsibility of Mr Jean-Pierre Bemba, as the leader of the MLC; the responsibility of
13 other military figures such as General Bombayake, who was acquitted in the final
14 analysis -- no, rather he received -- yes, it was an acquittal that he received; and also the
15 responsibility of Abdoulaye Miskine, who led a militia group; as well as the responsibility
16 of a former French gendarme by the name of Paul Barril; and many other people. In
17 terms of financial matters, well, President Patassé was at the head of the list, with a
18 number of other prominent people. So there you have it. That is what I can tell you.

19 Q. Sir, you mentioned at page 35 of today's real-time transcript, when providing
20 information on the background to the conflict, you referred to, "MLC troops came in and
21 they were deployed in the field." Now, are the MLC, or were they, known by any other
22 name other than MLC?

23 A. The MLC soldiers in Bangui were known as the "Banyamulengue." That is how the
24 Central African Republic people referred to them, but I don't think they were actually
25 Banyamulengue because that word "Banyamulengue" became a popular expression after

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1 the rebel movement of the late President Joseph Kabila -- no, rather Laurent-Desire Kabila,
2 I beg your pardon. Since they came from the other side of the river, from the Democratic
3 Republic of the Congo, they were commonly referred to as the "Banyamulengue."

4 Q. Sir, when you said, "The Banyamulengue entered and were deployed," are you able
5 to provide the Court with information on where from -- on where did the Banyamulengue
6 enter? From where did they come from and where did they first enter in the Central
7 African Republic?

8 A. Well, when the Banyamulengue came into the Central African Republic it was by
9 the way of the port of Bangui, which faces the border town of Zongo on the other side.
10 They came in that way and they also left that way, or that route.

11 Q. You have provided several information on the background and to the follow-up
12 questions. Now, how do you know this? What is your source for this information?
13 How do you come by this information?

14 A. That information cannot be hidden. You see, Bangui is a large town and the events
15 that occurred there were known to everyone. During the investigation and the
16 proceedings held by the investigating judge, for example general -- one of the generals
17 specified that the Banyamulengue arrived at Port Beach, which is in Bangui, before they
18 were redeployed at the support regiment - the barracks of the support regiment - which
19 were used as their base.

20 Q. Sir, in answer to my previous question you have just stated that one of your source
21 for this -- all this information that you have provided, including the arrival of the
22 Banyamulengue, is "one of the generals." You said at page 38 of today's real-time
23 transcript, "One of the generals specified that the Banyamulengue arrived at Port Beach."
24 Can you -- are you in a position to provide the name of this general, or should we say that
25 in closed session? How do you feel about that? Is he a well-known individual that you

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1 can provide his name openly?

2 A. This person is very well-known, but I would prefer to refer to the -- well, what the
3 Presiding Judge said earlier. I can provide that information in private session and we
4 can keep on going with the examination.

5 MR YILLAH: Madam President, we will proceed, and at the end of the examination we
6 shall ask this in private session, not to interrupt the proceedings. Thank you.

7 Q. Sir, from your investigations and from what you know, are you able to provide
8 information to the Court on when did the MLC arrive in the Central African Republic?
9 When exactly did they arrive?

10 A. I think it was on 29 October that the MLC arrived in Bangui. 29 October.

11 Q. Sir, you provide a certain date, like a sure date, 29 October 2002. May I ask, how
12 do you know this?

13 A. But it's -- it's not a hidden fact. These events were so well-known by everybody,
14 that the day of arrival of these troops was also known; human rights organisations were
15 denouncing this, Radio France International was talking about it. We lived in an utter
16 state of confusion. The state-controlled radio did not mention it, but other free entities
17 such as the human rights NGOs and international radio stations gave that information.
18 And even when the investigations were being carried out before the examining judge, the
19 same witness - whose name I will give you later - actually pointed that out. They came
20 on that day and I can give you some additional details later.

21 Q. Sir, you've provided a long response. Let me attempt to summarise your evidence.
22 Are you telling the Court by what you have said that, in fact, you know of this date from
23 the different sources that you have just listed? Would that be a correct and accurate
24 reflection of your evidence?

25 A. Indeed. Public authorities had not given a date. Public authorities, for the benefit

1 of whom the MLC troops intervened, could not tell us that it was on this and this date that
2 these troops had arrived in this or that manner. So I make it clear, and I confirm in light
3 of your question, that it was through these sources that we knew, that I specifically knew,
4 about the arrival of the MLC troops in Bangui.

5 Q. Sir, from the investigations, are you able to tell the Court for how long did the
6 Banyamulengue stay or the MLC stay in the Central African Republic?

7 A. Confining myself to the 2002 events, the MLC rebels stayed since their arrival on
8 22 October 2002; and when they left on 15 March 2003, that's the time -- that's when they
9 actually capitulated, on that day.

10 Q. Sir, can you -- again, from your investigations and, you know, from these events,
11 can you explain to the Court in detail, if you can, the circumstances under which the MLC
12 left the Central African Republic, this departure that you've just referred to? Under what
13 circumstances did they leave?

14 A. The MLC troops left Bangui because they were forced to do so by the advance of the
15 rebel troops under General François Bozizé. We understood that MLC was being
16 defeated. As soon as on 15 March 2003, it must have been around 3 p.m., we heard some
17 gunfire in the direction of PK12 - detonations, actually - because there was shelling a little
18 bit everywhere and we tried to find out what was happening. And we were being told
19 other soldiers were coming into Bangui wearing yellow armbands and, very quickly, we
20 realised that these were the troops of General Bozizé.

21 And it was on that specific day because there were also columns of MLC soldiers
22 walking - they were on foot - columns that were almost lost. Some of them were going
23 into some of the neighbourhoods, looking for a way out, so as to get to the river and try to
24 proceed from there. But those who were a bit further inland, towards PK12, they would
25 have to cover 12 kilometres on foot, and the population would not let them through that

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1 easily. So these were the circumstances. They had to flee because General Bozizé's
2 troops were coming in and, faced with these troops, they fled.

3 Q. Sir, I have two follow-up questions on that. The first one is -- actually, you said,
4 and that is on page 41 of today's real-time transcript, "We heard some gunfire in the
5 direction of PK12." Now that you have referred to "we," I would like to direct this
6 question to you on two specific levels: At the time of the events, where exactly in the
7 Central African Republic were you, the events you have just referred to, in 2002/2003?

8 A. First of all, I had been posted to the Tribunal de Grande Instance of Bouar, whose
9 Chief Justice I was; and, in that year, I was in Bouar but I would come to Bangui very
10 often because my family stayed back there. And when the MLC rebels came into Bangui,
11 I happened to be in Bangui. I was in Bangui when they came in.

12 Then later, a few days, we all had to go underground, obviously, because they invaded all
13 the various neighbourhoods and, a bit after that, I had to go back to Bouar by myself; I
14 had to leave my family in Bangui with my parents when, on 15 March 2003, I happened to
15 be in Bangui. I was, in fact, taking a nap when I was woken up by the shelling at PK12.
16 I got out of bed and, when I left the compound and I saw that there were children
17 running, and my children said, "You better hide, daddy, because there are soldiers all over
18 the neighbourhood." And indeed, I saw MLC soldiers running about, scattering, trying
19 to find a way out of the neighbourhood. This is the further clarification I can give you.

20 Q. That is clear. So at the time of the events, when the MLC came, you were in Bangui.
21 Now, my other question relating to your whereabouts is, at the time of launching the
22 investigations in 2003, the investigations that you spoke about as a result of a letter you
23 received from the Ministry of Justice, where exactly in the Central African Republic were
24 you at that time?

25 A. I was home in Bangui; in my property in Bangui.

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1 PRESIDING JUDGE STEINER: Mr Yillah, if you allow me?

2 MR YILLAH: Please, Madam President.

3 PRESIDING JUDGE STEINER: Just a clarification from the witness. You said that you
4 were in Bangui on 29 October 2002 when the troops of MLC arrived on 29 October; is that
5 correct?

6 THE WITNESS: (Interpretation) Yes, your Honour.

7 PRESIDING JUDGE STEINER: When you say they arrived in Bangui, which Bangui are
8 you talking about? Just the small part of Bangui, or the neighbourhoods of Bangui as
9 well? As far as you know, of course.

10 THE WITNESS: (Interpretation) Insecurity was such that it was definitely not wise to
11 be out on the street. So I was home and it was only afterwards that they were deployed;
12 and we were able to know that some soldiers had got into the city, because there were
13 very many of them. They would actually file into the city, singing out, and they were as
14 far as PK12, from there, to deploy all over the place. They arrived on 29 October and,
15 after having gotten support from the so-called support regiment, they were allowed to
16 remain there to --

17 PRESIDING JUDGE STEINER: According to the investigation, your investigations, is it
18 possible to be more precise on the date they arrived; for instance, in Boy-Rabé or in Fouh,
19 in the northern part of the road, the northern exit?

20 THE WITNESS: (Interpretation) But it was 29 October, madam. 29 October.
21 Everything began on that day.

22 JUDGE ALUOCH: May I? I just want to seek a clarification before the witness goes too
23 far away from this point, and this is the real-time transcript, page 38 -- I'm sorry, we've
24 gone over, but it's page 38. This is when the witness answered the question. Maybe I'll
25 start from 37, page 37, where it says, "The MLC soldiers in Bangui were known as the

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1 Banyamulengue. That is how the Central African Republic referred to them, but I don't
2 think they were actually Banyamulengue because that word "Banyamulengue" became a
3 popular expression after the rebel movement of the late President Joseph Kabila."
4 I just want you to clarify that when, in your evidence, you are talking about MLC more
5 than Banyamulengue, do they mean one and the same group of people, or soldiers,
6 please? Can you just clarify? Yes.

7 THE WITNESS: (Interpretation) Thank you. May I say, yet again, what I stated
8 earlier? The troops loyal to Mr Jean-Pierre Bemba came under this organisation known
9 as MLC. It is these MLC troops that were deployed in Bangui in the Central African
10 Republic and in some towns afterwards. But these troops were known by the people as
11 "the Banyamulengue," and these are indeed the MLC rebel troops which were thus
12 called by the people. Have I been sufficiently clear, madam?

13 JUDGE ALUOCH: Yes. Now I know that when you talk of "MLC," it's one and the
14 same thing with Banyamulengue as known by the Central African Republic people. Yes,
15 thank you.

16 THE WITNESS: (Interpretation) That is exact -- that is the exact truth. Thank you.

17 MR YILLAH:

18 Q. Sir, before the intervention of the learned Judges, you spoke about your presence.
19 You've told us where you were at the time of the events and at the time of the
20 investigations. Just to clear that point for the record, what about at the time of the
21 departure of the MLC troops? You used the word "we," we heard gunshots, we heard
22 this. Where were you at the time that the MLC troops were departing or leaving the
23 Central African Republic?

24 A. I was in Bangui. May I repeat what I said earlier? I was home, and I was taking a
25 nap. When some shelling -- I heard the sound of shelling in the direction of PK12 and

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1 this woke me up. I left home in a rush and I saw my children coming towards me and
2 then they said, "Hide, daddy, because there are soldiers all over the place." So I went
3 back home. I opened the gate. Through the gate, actually, I saw the rebel troops of the
4 MLC. You could tell them by the clothes they were wearing because they didn't actually
5 wear true uniforms, but they wore any kind of clothing, and I saw them and I
6 immediately closed the door. But I saw enough of them to see that they were actually
7 looking for a way out of the neighbourhood to go to the River Ubangi. And that evening
8 we did not stay home, my family and me. We left. We left home on foot to find shelter
9 somewhere else, with a relative. This is to make it clear that I happened to be precisely
10 in my place when this happened and I saw them, and I saw them when I opened the door,
11 I saw them running through the neighbourhood.

12 Q. Very well, sir. As I indicated earlier, this is just to give the Court a background into
13 the events from 2002 to 2003, which you have now assisted the Court with. We shall be
14 discussing the MLC, who you have just said, "I also refer to as the Banyamulengue," much
15 later on in your testimony. For now, I will direct your attention again to the same
16 investigations that you were involved in. This time, I want us to discuss about the
17 methodology, the procedure, and any possible interviews, what role you had in the
18 process. Do you understand the topic we shall now be addressing?

19 A. Very well.

20 Q. Sir, you told the Court earlier, before the break, about problems you had with the
21 investigations so you had to rely on materials provided by the Ministry of Social Affairs,
22 in conjunction with the UNDP, the committee, what you referred to as the committee.
23 Now, and you said your investigations was not preceded by any preliminary
24 investigations. Why? Why was your investigation not preceded by any preliminary
25 investigations?

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- 1 A. I'm afraid I'm going to have to repeat myself because I believe that I had already
2 given some form of explanation earlier. First of all, because of war, the criminal
3 investigation police wasn't really working. There was no equipment. There was
4 nothing. The army, the gendarmerie, were completely disorganised. There were
5 tremendous difficulties in that particular area to carry out any kind of investigation worth
6 its salt.
- 7 Moreover, the Prosecutor's office had no means at all available in order to take people to
8 the places where the violent acts were said to have been committed or to provide any
9 security to the people involved. So, nothing really was working and it was easier for the
10 victims themselves to come forward, and which they did, when they found out that the
11 investigation was underway. These are the various reasons why the Prosecution decided
12 immediately to instruct that examining magistrate, that examining judge, to start the
13 proceedings and to open the inquiry.
- 14 Q. You have provided us with information on why you relied on the committee's work.
15 Now, I want to direct your attention to the actual interviews that were carried out, you
16 said by the examining judge. Now, my question is: Were witnesses and victims
17 interviewed as part of this investigation?
- 18 A. A few witnesses and a few victims. I don't think the examining judge heard all the
19 witnesses because there were very many of them. The list given to us had many, many
20 names. Only a few witnesses and, as far as we're concerned, our contribution to the
21 Prosecution was that when the witnesses had to be heard, or the victims had to be heard, I
22 would attend either to help the examining judge or one of my deputies would be there.
23 We were there to help ask the questions, to have specific answers, to clarify things, or to
24 allow witnesses to further clarify the facts that they had been subjected to.
- 25 Q. Sir, you've just said that not all but some witnesses and victims were interviewed by

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1 the examining judge. I may be asking you just to put you on notice that one of the
2 questions I would be asking you in private session is to -- if you could also help the Court
3 with the name of the examining judge. But, for now, I just want to ask, you said you
4 assisted in asking some questions and the examining judge interviewed, so it's not clear
5 from the record who actually was responsible for conducting these interviews. Who
6 actually interviewed victims and witnesses? Was it you, or was it the examining judge?

7 A. It wasn't I, as Prosecutor of the Republic. According to our legal system, we have
8 the French legal system. When the examining magistrate has a case before him, it is the
9 examining judge himself who is a jurisdiction unto himself, and he, or she, decides how
10 the investigation is to be carried out, and the criminal code also provides for the assistance
11 of the Prosecutor of the Republic in the performance of a legal inquiry. But the boss, if I
12 may call him thus, was the examining judge and I, as a member of the public ministry of
13 the Office of the Prosecutor, I or one of my deputies would be there to lend a hand, to ask
14 some questions of the victims who were being interviewed. This is how things
15 happened.

16 Q. Is this position that you have just explained, you said it's consistent with Central
17 African law; just for clarity, which Central African law are you referring to? Are you in a
18 position to provide the name of the code here? What law from the Central African
19 Republic?

20 A. I must repeat what I said earlier. Central African law is based on the French model.
21 We have a system which is based on the French system of the separation of the function of
22 prosecution, of judgment, and of inquiry or investigation as prescribed by the Central
23 African Code of Criminal Law. We worked pursuant to this code. When you have an
24 examining judge, in my country, he is independent, he is sovereign and he conducts his
25 investigation in whichever way he sees fit.

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1 Q. Sir, before we go into the interviews, you've told us that you attended some
2 interviews, but they were actually conducted by the examining judge. Before I touch the
3 detail of that, I just want to clarify one issue. For those interviews that you attended, in
4 which language were those interviews conducted? In which language did the examining
5 judge conduct those interviews?

6 A. We have two languages, Sango and French. Before a court in the Central African
7 Republic, an individual is free to use the language he or she considers to be most familiar
8 with. You have some people who do not know French at all and they would use Sango.
9 And the examining judge who is hearing the witness, transcribes or dictates to the court
10 clerk the translation from Sango into French of the witness's deposition. However, if the
11 person speaks French, then it will be transcribed directly from the witness's mouth, as it
12 were, directly on to a piece of paper, without translation, obviously.

13 Q. As I promised before that question, I will now come into the interviews that you
14 attended. Are you -- how many interviews did you attend? Let's get that clear for the
15 record. How many interviews do you recall that you attended?

16 A. I cannot give an exact figure because I didn't keep track of the interviews in my
17 mind, but I think I would be warranted in saying that for all the personalities involved,
18 where there were personalities involved, I would be present when they were interviewed,
19 but at times also my deputies replaced me in that function and would help the examining
20 judge, but I'm afraid I cannot give you a figure. That goes back some time, already.

21 Q. That's understandable, sir. For those interviews that you recall, that come to mind,
22 are you in a position to state in open session, in public here, the names of the persons
23 whose interviews you attended, or would you prefer that question to be asked in private
24 session?

25 A. Since it is a matter of giving a few names, I would do so when we move into private

1 session, I can give you a few names.

2 Q. Sir, you told us just a while ago that you and your sometimes deputy, while present
3 in these interviews, would ask questions, clarifications, or explanation. It is not clear
4 from the record what was the extent of your involvement, if any, during in these
5 interviews. What was the extent of your involvement?

6 A. We -- well, I'm sorry if I say "we," because when I say the word "we" obviously I'm
7 always referring to the Public Prosecutor's Office. The role I played in my capacity as
8 Prosecutor of the Republic is a role performed on several levels. First of all, starting the
9 proceedings. It's on the basis of an introductory application from the Republic's
10 Prosecutor that the examining judge began his work.
11 Second, I'm not above the examining judge, because according to the Central African
12 Criminal Code I am not allowed to do so. My role is confined simply to helping the
13 examining judge when he has a case before him. That is Central African law. As I said
14 earlier, there is a separation of functions, judgment, prosecution and investigation, so I
15 cannot in any way consider myself higher than the examining judge. I can only help him,
16 and as a helper I can only work within the framework that is defined by the law. That is
17 to say in the course of the interview, or hearing a deposition from a witness, or a victim, or
18 anyone coming forward with a declaration, in that case I could perhaps ask a question to
19 clarify an issue to enable the explanation to be fuller and more plausible in the course of
20 the investigation, but I cannot in any way act in lieu of the examining judge, or use my
21 authority upon him because he is totally sovereign.

22 Q. Sir, where -- exactly where did these interviews take place?

23 A. In the examining judge's office, which is at the courthouse, the TGI in Bangui.

24 Q. Sir, you told the Court that you attended some interviews and you didn't attend
25 some. Now, in respect of those interviews that you did not attend, did you come to learn

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1 or know about the details that emerged from those interviews; the ones you did not
2 attend?

3 A. Well, when the examining judge completes his investigations and to make the
4 decision to conclude the investigation, refers the case systematically to the Prosecutor of
5 the Republic, who has to form an application and give a legal opinion on the question so
6 that he can make his sovereign decision. And even though I did not attend certain acts in
7 the proceedings, when I receive this for the final application I take the case and I become
8 acquainted with all the elements and evidence in the case so that I can then draw up the
9 concluding address for the application and then refer it back to the examining judge for
10 his decision on the case to conclude it. That's what I can tell you. But when the deputy
11 attends, he comes back and gives me some information on the way the investigation is
12 going on so that next time, if I am the one leading and the same victim or witness has to
13 be questioned, I am up-to-date and can ask relevant questions.

14 Q. Sir, do I understand your evidence that you have just provided to be exactly what
15 you did with the information that came out of the entire interview? Is that an accurate
16 reflection of your evidence?

17 A. Could you please state the question again? I can't really understand it.

18 PRESIDING JUDGE STEINER: Mr Yillah, I think maybe we have a problem on
19 communication, mainly because of the difference between systems. So, for instance, you
20 were referring to interviews, when I fully understand that we are not talking here about
21 interviews but questioning of witnesses and victims. So interviews could give the idea
22 that it is the interview that the officer -- the investigators of the Office of the Prosecutor
23 did in the field, but here we are talking -- in the civil law French system we are talking
24 about hearings in which victims and witnesses give evidence and in the system in which
25 we have a dossier. So just to make it clear if we are talking about the same thing.

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1 Thank you.

2 MR YILLAH: Madam President, I am grateful for the guidance and I will take the cue
3 from there.

4 Q. Sir, I was attempting to summarise what you told us. You told us that you
5 received information containing elements from the examining judge and your assistants,
6 those that you attended and those that you did not attend, for the purpose of forming an
7 application. The question I have from that is so what application are you referring to?
8 What did you do with this information; these different elements from the dossier that you
9 collected from the examining judge?

10 A. On the basis of all the elements in the case as conducted by the examining judge, I
11 then did a final closing address as an application so that the examining judge could then
12 decide and give his decision on what should be done. That was done by the examining
13 judge in 2004, if I remember correctly. Yes, 2004. So all the initial work done before the
14 examining judge makes the decision, and all of that work has to come back to the
15 Prosecutor, who studies it, looks at it from a legal point of view and sees whether the
16 offence may be considered valid or not and then he draws up his closing address which is
17 the application which is then sent to the judge, but it's the -- not the Prosecutor who
18 makes the decision. It's the judge who is sovereign.

19 Q. Sir, let me take your mind back to the interviews that you attended. Based on what
20 you saw during the questioning in those hearings, how was the examining judge or
21 yourself able to confirm the accounts that witnesses were giving? How were you and the
22 examining judge able to confirm the account of witnesses for those interviews that you
23 attended?

24 A. When the victims or witnesses were called in by the examining judge, this was done
25 on the basis of elements in the report which the judge had. When a person was called in

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1 there was initial reading of the medical assessment done by the doctor, and that expert
2 assessment was not at the time of the events themselves, but just a bit later, and when the
3 person called in came in, we asked the person to give an explanation and to give their
4 version of what had happened. The person gave their version of what had happened.
5 This was noted by the registrar of the examining judge, and then we tried to see whether
6 this version tallies with the medical assessment provided and that's how we work out
7 what happened. Sometimes when the victims come in they make their statement, and
8 this is sometimes interrupted when the person breaks down, or weeps. That's how
9 things happened in general.

10 Q. Sir, just a few more questions. I am mindful of the time, but just a few more
11 questions on the methodology of these investigations and I will be entirely in your
12 Honour's hand as to whether I should proceed with my new topic. I will rely entirely on
13 you, but can you help the Court with information on exactly when these interviews took
14 place in relation to the events? Maybe I can reformulate. How soon after the events
15 that you investigated did you interview witnesses and victims, or the examining judge
16 interviewed -- questioned witnesses and victims? I am sorry for the word "interview".
17 Questioned.

18 A. I think a lot of time went by, because there were events that occurred in
19 October 2002 and the legal investigation began, if I remember correctly, around 18 or 19
20 August 2003. So a number of months had gone by and the examining judge took his
21 time, I don't know exactly how much, but after the case was referred to him he got things
22 going and began to carry out the questioning. So it wasn't immediately after.

23 Q. Let me put it another way. When exactly did you start formal questioning of
24 witnesses and victims? Can you give us the month? The year? I know you said it was
25 in 2003. Can you help us with when exactly, not dates but just the month, in 2003?

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1 A. I have just told you that the examining judge had the case referred to him in August,
2 I think it was 18, 19 or 20 August, and then immediately after that the examining judge
3 started doing his work. He started immediately, time required to go through the papers,
4 and then he started carrying out hearing witnesses and victims. So if the question is
5 which month, I can tell you it was late August/early September that he started doing the
6 work.

7 Q. How long did this investigation last? Do you know when it ended? It started in
8 August, as you say, but when did it end?

9 A. The investigation -- well, I think our concluding address and application was
10 September 2004, so we went from August 2003 until the concluding application in
11 September 2004. So the investigation must have gone on for a number of months, but
12 then there was the time more or less when the case was referred to the Prosecutor and in
13 that time we had to refer the case to the lawyers and give them the full case so that they
14 could prepare their conclusions. It's true it's difficult to find definite dates like that, but I
15 can show you the way things developed give you an idea. So let's say from August 2003
16 to September 2004, so you could say that the investigation lasted around one year.

17 Q. Sir, just one more question, just to take you back, just to clear this issue so we can
18 move on. How -- can you -- for the interviews that you attended, those that you did not
19 receive information from the examining judge or your assistant, can you give us
20 approximately the duration? How long did those interviews last?

21 A. The hearings lasted -- well, the cases -- well, the witnesses, for example, when a
22 witness turns up, he is scheduled. He can be scheduled at 9 o'clock in the morning and
23 then we carry out the questioning, two or three hours, and then the witness is free to leave.
24 But if there are other elements that need to be checked with the witness later, then the
25 witness or the victim is called in again, and the hearing depends on what we need to ask

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1 the witness. It may be one or two questions, so that's just the time needed to do it, to
2 type out the statement, so that the witness or victim can sign and then leave. It doesn't
3 last very, very long.

4 Q. And your basis of knowledge for this? Are you saying because you were
5 present -- were you present in these interviews? The estimated time you give, was it on
6 those interviews that you were present, or not?

7 A. Yes, I'll answer that question. First, well, I was present sometimes but, in general,
8 depending on my experience, in general, when a witness is scheduled, the questions are
9 targeted. And we don't want to harass the witness with lots of questions, and we ask
10 questions when the investigation manages to find the key element when interviewing the
11 witness. That's basically how it's done.

12 Q. Now, I will refer to victims that were questioned during this hearing by the
13 examining judge. What could you observe about the conditions of these victims at the
14 time of this questioning? In what condition were they at the time of this questioning and
15 hearing by the examining judge?

16 PRESIDING JUDGE STEINER: Mr Haynes.

17 MR HAYNES: I don't think there's a foundation for that question. The witness hasn't
18 yet said he attended a single interview of a victim. He said he attended the interviews of
19 certain personalities; and we haven't established who they are yet, so it hasn't yet been
20 established he's attended a single session when a victim has been questioned. That can
21 be done quite simply.

22 PRESIDING JUDGE STEINER: Someone with a civil law background, this question
23 would not be necessary; but since we are going so deep into explanations on how a juge
24 d'instruction works, maybe you could ask the question whether their Prosecutor has also
25 listened to victims.

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1 MR YILLAH:

2 Q. Sir, you told the Court earlier that you attended interviews of witnesses, and you'll
3 state some of these names of these persons in private session. Now, did you attend the
4 interview of anyone, of any victim, during this hearing. The questioning and hearing of
5 a victim by the examining judge, did you attend?

6 A. Yes, I personally attended a lot of interviews of victims. I said that earlier here. I
7 said that when a victim was interviewed -- well, first, I gave details in the way the
8 interview had to be conducted. We looked at the report with the medical assessment
9 and, on the basis of that, we took down the statement of the victim and then we tried to
10 see if it tallied. So the questions were, in terms of the report and the statement, by the
11 victim.

12 But what I noticed about the victims, and this is in answer to your question, we noticed
13 that victims who appeared were "disturbed," you could say. They were victims whose
14 medical results included a positive diagnosis for HIV. There were victims whose speech
15 was disturbed by sobbing; they couldn't keep on speaking. And this is how we saw
16 victims who were completely disoriented or were at a loss.

17 In the event of rape, people would -- the person would speak. They'd stop. They'd
18 dissolve into tears. And sometimes the examining judge suspended the interview for the
19 victim to calm down. So that's the overall observation I made, personally, and my
20 deputy who attended and reported back to me gave me this and, in particular, for victims.

21 PRESIDING JUDGE STEINER: Mr Yillah, if I may interrupt you again. Just one
22 clarification, Witness. When you say that you were present during the questioning of
23 many victims, my question is that those statements were taken from victims in their
24 quality of witnesses, of partie civile, or both?

25 THE WITNESS: (Interpretation) In our legal system, which is in line with the French

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1 legal system, a victim is almost a partie civile, because the person who has suffered the
2 prejudice can be considered as the civil party and, in our legal system, a witness is a
3 person who attended or who heard or who was present but was not a victim; experienced
4 the facts, but was not a victim. So unless the victim does not want to be a partie civile,
5 the victim ends up being one.

6 MR YILLAH: Madam President, I'm just mindful of the time. I just want to put your
7 Honours on notice that I have just two questions on this area and then we'd request that
8 that would be a comfortable point to rest for the day. I don't know if that is okay with
9 your Lordships.

10 Q. Sir, you spoke about victims; you attended interviews of some victims. Are you in
11 a position to tell the Court, are you able to the Court from these investigations, where
12 these victims come from? From what part of the country? Where did they come from?

13 A. The victims we saw came from the neighbourhoods that were targeted, that were
14 affected by the events. We had victims from PK12, from the 4th arrondissement, near 36
15 Villas. We had victims that came from the village of Lipton and PK22 on the road to
16 Damara, in that area there. There were victims from provinces, but I didn't see them
17 myself; but those that were on the Damara line, or on the Boali line, came in and we
18 interviewed them. There were districts such as Gobongo, Boy-Rabé, where the victims
19 came in and were interviewed.

20 Q. Just one last question before we knock off for the day. These victims whose
21 interviews you were present in, who did they report their perpetrators to be?

22 PRESIDING JUDGE STEINER: Mr Haynes.

23 MR HAYNES: I think this is the point at which I have to object, on the basis that the
24 people who were spoken to by this gentlemen are known to the Prosecution. It's they
25 who bring this case; if they want to establish that acts attributable to my client as a

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1 superior were committed in relation to these people spoken to by this witness, they
2 should bring them directly before this Chamber to give evidence and not bring this man
3 to give hearsay evidence of what they told him.

4 MR YILLAH: May I respond, your Honour?

5 PRESIDING JUDGE STEINER: Please.

6 MR YILLAH: Your Honour, the Prosecution regrets this intervention because it's clear,
7 based on your Honour's ruling, on the admission of materials, on the list of evidence and
8 also in the Statute. Article 69(3) and (4), hearsay evidence is admissible in this Court.
9 Now, if the Defence wants, what they can do is examine or test the reliability and veracity
10 of this hearsay statement. What I really regret, the Prosecution regrets, is this
11 intervention because it is something known to the Defence.

12 PRESIDING JUDGE STEINER: I think, Mr Haynes, that the Prosecution has made an
13 estimation of ten hours questioning of this witness and I'm sure that most of the time will
14 be exactly in relation to the investigations and the case brought in national courts against
15 not only Mr Bemba but other alleged perpetrators. So this is exactly the essence of the
16 testimony of this witness. So I'm afraid that your objection is overruled.

17 MR HAYNES: Of course, but bear in mind the point we make, and we know as
18 professional judges you will attribute such weight, this evidence, as you can knowing that
19 it was within the gift of the Prosecution to bring these witnesses directly and they have
20 elected in this case and in many others quite deliberately not to do so.

21 PRESIDING JUDGE STEINER: Of course, Mr Haynes. The Defence doesn't need to be
22 concerned. It's up to the Chamber to attribute the probative value to each and any piece
23 of evidence at the end of these procedures.

24 MR YILLAH: We are grateful, Madam President.

25 Q. Sir, my question before the intervention of learned counsel from the Defence, the last

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1 question for the day is, those victim interviews that you attended, that you attended, who
2 did those victims report the perpetrators of their victimisation to be? That is my last
3 question for you, sir.

4 A. Thank you. The victims we saw accused the Banyamulengue because the
5 Banyamulengue were different. They spoke different language. They didn't speak
6 Sango. They usually didn't speak French, and also by the way they were dressed they
7 were different, and when the victims told their stories, we asked them what the people
8 who turned up were like, and so we had the descriptions, and the descriptions given
9 suggested that it was Banyamulengue who had moved into certain areas, and
10 neighbourhoods of the city of Bangui. The different descriptions, sometimes there would
11 be one of a man in uniform, and sometimes the clothes didn't seem to match the person, or
12 the shoes were not those of army men, because military men usually have their uniform,
13 shoes, their beret, they weren't wearing any insignia, they were wearing slippers, or
14 sometimes flip-flops. Sometimes they were almost children. These were the sort of
15 descriptions given to us, and we therefore concluded that these were rebel elements from
16 the Movement for the Liberation of the Congo.

17 MR YILLAH: Thank you very much, sir. That ends the Prosecution's questions for
18 today. Thank you, your Honours.

19 PRESIDING JUDGE STEINER: Thank you very much. Mr Witness, thank you very
20 much. We are going to adjourn for today. We hope you have a nice evening, you can
21 take some rest. We are going to continue tomorrow morning. Tomorrow's hearing
22 starts at 9 o'clock sharp in this courtroom. I thank very much Prosecution team, and
23 legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba Gombo, thank
24 you very much our interpreters, court reporters. I ask, please, court usher to take the
25 witness outside courtroom.

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1 (The witness stands down)

2 PRESIDING JUDGE STEINER: The hearing is adjourned.

3 THE COURT OFFICER: All rise.

4 (The hearing ends at 5.32 p.m.)

5 CORRECTIONS REPORT:

6 The Court Interpretation and Translation Section has made the following corrections
7 in the transcript:

8 *Page 27 lines 11 to 15

9 "Various possessions had been destroyed, stolen, looted. People had been injured as well.
10 Attacks upon intelligence with external powers and a great many violations; that is to say
11 conspiracy. So there were several crimes envisaged within the inquiry. Furthermore, there
12 were a number of crimes committed that were financial in nature." Is corrected by
13 "People's belongings had been destroyed, stolen, looted. People had been deliberately
14 injured as well. Attacks upon... intelligence was gathered in conjunction with foreign
15 powers. A great many violations were covered in our investigation. Furthermore, there
16 were a number of crimes that were committed that were financial in nature."

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