

Trial Hearing
Witness: CAR-V20-PPPP-0002

(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 Judge Kuniko Ozaki
6 Trial Hearing
7 Tuesday, 8 May 2012
8 (The hearing starts in open session at 9.35 a.m.)
9 THE COURT USHER: All rise. The International Criminal Court is now in session.
10 Please be seated.
11 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
12 in open session.
13 PRESIDING JUDGE STEINER: Good morning, court officer, court usher. Could,
14 please, court officer call the case.
15 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
16 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
17 PRESIDING JUDGE STEINER: Thank you very much. Good morning and
18 welcome the Prosecution team, legal representatives of victims, Defence team,
19 Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters, court reporters.
20 We will continue today with the questioning of Witness V2, and for that purpose I
21 ask, please, court usher to bring the witness in.
22 (The witness enters the courtroom)
23 WITNESS: CAR-V20-PPPP-0002 (On former oath)
24 (The witness speaks Sango)
25 PRESIDING JUDGE STEINER: Good morning, Monsieur Judes.

Trial Hearing
Witness: CAR-V20-PPPP-0002

(Open Session)

ICC-01/05-01/08

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

2 PRESIDING JUDGE STEINER: Could you rest well throughout the night?

3 THE WITNESS: (Interpretation) No, Madam President, I wasn't able to rest well
4 because I had stomach pains and I'm still suffering from that now.

5 PRESIDING JUDGE STEINER: Have you communicated that to the Victims and
6 Witnesses Unit representative, sir?

7 THE WITNESS: (Interpretation) Yes, I spoke about it to the person who
8 accompanied me into the courtroom.

9 PRESIDING JUDGE STEINER: I will make sure that the doctors at the Court will
10 see you during the break, or the lunch-break. In any case, if at any time you feel
11 you're not able to continue with your testimony, that you need some medication or
12 something, let me know and we can try to make an appointment with the doctor as
13 soon as possible.

14 In any case, Mr Witness, are you able right now to continue giving your testimony?

15 THE WITNESS: (Interpretation) Yes, I'm able to continue with my testimony and
16 I would really like to finish soon in order to be able to leave.

17 PRESIDING JUDGE STEINER: Mr Witness, before I give the floor back to the
18 Defence, I need to remind you that you are still under oath. Do you understand that,
19 Monsieur Jude?

20 THE WITNESS: (Interpretation) I understand that, your Honour.

21 PRESIDING JUDGE STEINER: Then I'll give back the floor to Mr Haynes.

22 Mr Haynes, the witness is yours.

23 MR HAYNES: Thank you and good morning, your Honour.

24 QUESTIONED BY MR HAYNES: (Continuing)

25 Q. And good morning to you, Mr Jude.

1 A. Good morning, Counsel.

2 Q. I don't know if you heard me say this yesterday, indeed I'm not sure if you were
3 in the courtroom when we discussed it, but I do think if you are able to continue that
4 we can finish your evidence today, but if you do feel too poorly or too tired then you
5 must say so. Do you understand?

6 A. I understand.

7 Q. Now, I want just to pick up where we finished yesterday afternoon, and do you
8 recall at the end of yesterday afternoon you told us that the mayor of Sibut hid in the
9 bush for a period of time?

10 A. Yes, I remember.

11 Q. And that during that period of time he didn't go out of his farm, but he sent his
12 wife and family out to fetch provisions and he resorted to trapping animals for food?

13 A. Yes, I remember.

14 Q. And I know it's difficult for you to be precise after all this time, but can we
15 agree that he was in hiding for a period of several weeks?

16 A. He was on his farm. He was very corpulent. He couldn't go back into town
17 and he stayed in his farm in Bengiti (phon).

18 Q. As I say, after all this time it's probably difficult for you, but for about how long
19 did he stay at his farm in Bengiti?

20 A. He spent about one month there. After the taking of power by President
21 Bozizé he came out back into town.

22 Q. Okay. Now, I'm going to ask you to look at us -- look at with us again another
23 section of the videotape which you've already seen, and in due course I'm going to
24 ask the court officer to play the section of the video from 12 minutes to 22 minutes.

25 MR HAYNES: Now, this videotape has previously been translated into the

1 evidence, your Honour, on 29 August of last year. These sections of the tape were
2 played to the Court and translated by the Court's interpreters, and what we've done
3 for you is we've printed some copies of that transcript so you can follow it in English
4 in hard copy, if you like, and I can hand those to you now.

5 PRESIDING JUDGE STEINER: We appreciate very much, Mr Haynes. Maître
6 Badibanga.

7 MR BADIBANGA: (Interpretation) I was just wondering if there was also a copy
8 in English for the Prosecution. Some of my colleagues are Anglophone, so I don't
9 know if the Defence envisaged an extra copy for us?

10 MR HAYNES: I've got one extra copy which I've just been asked whether I can
11 provide to the interpreters. I'm not sure why they would want it because they have
12 copies in French, so that they can translate into Sango for the witness, but I'll hand
13 this copy to the Prosecution.

14 PRESIDING JUDGE STEINER: Don't worry, Mr Haynes. If the interpreters prefer
15 to have the hard copy, it's better if they receive one. Since I can follow in French, I
16 offer my copy to the Prosecution.

17 MR HAYNES: Thank you very much, your Honour. In the flagged copies, this is
18 the second portion of the videotape at page 5 of the English transcript. Do you mind
19 if I sit down while we watch this, because it's ten minutes long?

20 PRESIDING JUDGE STEINER: Yes, Mr Haynes.

21 THE COURT OFFICER: For the record of the case, the video that is going to be
22 played, it's a public video and it's referenced as CAR-DEF-0001-0832.

23 (Video excerpt played)

24 MR HAYNES: Thank you. We can take the video off the screen now.

25 THE COURT OFFICER: Madam President, if I may, just for the record of the case,

1 the transcript to which Mr Haynes was making reference today is transcript T-149,
2 redacted version, in which this video was shown already and the English version and
3 French version have been transcribed. I repeat it is transcript ICC-01/05-01/08-T-149,
4 redacted version.

5 MR HAYNES:

6 Q. Mr Judes, do you recognise the man in that videotape?

7 A. That is the assistant to the mayor. He lives in the Izule (phon) neighbourhood.
8 His residence is located in the neighbourhood of the lady who was speaking
9 yesterday. He made this statement on the property belonging to that particular
10 lady.

11 Q. He gave a name in that videotape. Do you agree that he gave the correct
12 name?

13 A. I know the name of the mayor, and that person I don't know his name at all.

14 Q. Well, what's the name of the mayor?

15 A. You asked me not to give the name of people. You want me to give the name?
16 Then the mayor's name is Vidagba (phon).

17 Q. The man on that videotape was the mayor of Sibut in 2003, wasn't he?

18 A. In 2003, it was Vitapa (phon). This person, I don't know him. He might have
19 been the mayor's assistant, but since he introduced himself as the mayor, well, I don't
20 know.

21 Q. Sorry, I want to be clear. Are you saying he was the mayor's assistant, or you
22 don't know him?

23 A. I know that face, but I don't know what his name is. If I knew the name,
24 I would tell you. The mayor lives in my neighbourhood, in my general area, and
25 this person I think I told you that he lives in the Izule neighbourhood. I really can't

1 claim to know the names of all the people who live in the area. If I knew the name
2 I would tell you, but I can reassure you that I do know that face.

3 Q. And do you know whether it was a face that went into the bush for a period of
4 time?

5 A. I told you that he took refuge in the bush and he spent nearly a month there.
6 When the Banyamulengue stopped two rebels near Damara and when the rebels
7 wanted to show these rebels to the mayor, he wasn't there. One of these fellows
8 took refuge.

9 THE INTERPRETER: The Sango interpreter did not hear one part of the answer.
10 The Sango interpreter requests that the witness repeat the last part of his reply,
11 please.

12 MR HAYNES: Okay, I'll see if I can facilitate that.

13 Q. What was it you were you saying about two rebels near Damara?

14 A. I told you that there were two inhabitants of Sibut who had joined the rebellion,
15 but then after that they fled. The Banyamulengue arrested them and they were
16 intending them to show them to the mayor. The mayor had fled into the bush.
17 They took these two young people and took one to Zaire, and the other one was able
18 to get away and now he lives in the town of Sibut and he drives a motor taxi.

19 Q. You see, I suggest to you that this is the mayor and he has just come back into
20 town two days after the Banyamulengue have arrived, and that's what happened,
21 isn't it?

22 A. I don't understand this film. It's all staged. Apparently it was filmed at the
23 same place, but I don't recognise the statements made in Sibut at that time. That is
24 the home of Ms Miyemo (phon), so to say that the Banyamulengue liberated us
25 I think that the statements were always given at the town hall, in the centre of town,

1 but that was done practically in a private setting, in a private residence, and I don't
2 see inhabitants of the locality in that statement.

3 Q. Well, let's see how much of what that man said you agree with. An armed
4 group was in control of the town, do you agree with that?

5 A. I believe that those statements that were made, if only they were to be heard in
6 Sibut I really wouldn't attribute much or set much store by that. These are all staged.
7 Those statements were given at the residence of Ms Maliembo. When someone has
8 to give a public statement he goes to the town hall, to the prefect's office. People are
9 called using a megaphone, but one or two people who make statements, the people
10 from Zaire are very cunning, very sneaky. They are well-known for that. I don't
11 acknowledge these videos. I don't acknowledge these statements.

12 Q. Were all the people in authority driven out of the town and they stayed out of
13 town for a long period of time?

14 A. Counsel, as we saw in this video, there were no local authorities. They had all
15 fled. I think I told you that the president of the tribunal had fled into the bush and
16 he was living in the traditional manner. All those statements were made at the
17 residence of Ms Maliembo, and now I recognise them. I recognise the faces.

18 Q. Were all the civic records destroyed, the archives?

19 A. But even the Banyamulengue who committed acts of violence and acts of abuse
20 in the neighbourhood, they themselves didn't have to destroy the records at the town
21 hall. How many times did Central African Republic citizens, did rebels -- well, how
22 many times were -- did they tear up the birth certificates and the administrative
23 documents of their fellow citizens? This is a lie. I'm here to tell you what I saw, but
24 I can't suppose or make suppositions about things that I don't know about.

25 Q. Do you ever recall seeing the heads of civic leaders or persons of authority

1 being put on display at the mayor's office?

2 A. The office of the mayor is not found in that neighbourhood; it is at the
3 intersection of the road between Bambari and Bandoro. It isn't in a residential
4 neighbourhood, it is in the centre of town. When the office was closed, it was only
5 after President Bozizé took power that administrative activities resumed.

6 Q. Okay. But do you remember at any time during these events the heads of
7 murdered persons of authority being on display at the mayor's office?

8 A. No, I did not see any heads set out on display at the town hall. This is all
9 staged. I didn't see a single skull or head. I don't think that a skull would be some
10 kind of object to be put on exhibit at the town hall. Is that possible? I told you that
11 the Banyamulengue never were at the town hall. The Banyamulengue never
12 destroyed the archives at the town hall. It was the leaders of the Banyamulengue
13 who broke down the door to the town hall to occupy that building, but when they got
14 into the town they did not touch the archives of the town hall. It was the people
15 who occupied the town hall who lodged themselves there. Certainly those were the
16 people who destroyed the archives.

17 Q. I'm sorry, I can't follow that. Who are you talking about who destroyed the
18 archives?

19 A. I think I told you that when they committed acts of violence and abuse just -- all
20 the way to Kanga, the town hall had not been affected, but when they began to deal
21 with disputes they broke down the doors to the town hall and that is where they dealt
22 with disputes amongst the inhabitants. That is when the archives were destroyed,
23 and I think I said in one of my statements that a lady had filed a complaint against
24 her husband and he was given 100 lashes; not one more, not one less. That was
25 their --

1 THE INTERPRETER: Correction from the Sango interpreter: "50 lashes."

2 MR HAYNES:

3 Q. Very well. We'll move on. Now, as I understand your evidence, you left
4 Sibut on 24 February at about 1 o'clock in the afternoon when you heard gunfire; is
5 that right?

6 A. That's right.

7 Q. And that included the sound of heavy weapons?

8 A. I think I mentioned some rockets, some heavy weaponry, on tanks and mortars.
9 There was smoke everywhere, I believe, and the explosions were very loud.

10 Q. Presumably, you thought that the town was a dangerous place to be?

11 A. I told you that they were in Bengiti on the hill. They began to shoot in the
12 direction of the market, and at the second market in Draman (phon). Rockets were
13 falling there in Draman. Both heavy and light weaponry were being shot, were being
14 fired. No one could put up a resistance. People had to barricade their doors and
15 then people fled; they scattered helter-skelter.

16 PRESIDING JUDGE STEINER: Mr Haynes.

17 MR HAYNES: Your Honour, yes.

18 PRESIDING JUDGE STEINER: Just to remind you about the five seconds.

19 MR HAYNES:

20 Q. Who did you think was conducting this offensive towards Sibut?

21 A. The Banyamulengue.

22 Q. Thank you. And the following day, had the noise of heavy weapon fire
23 stopped?

24 A. They started to shoot at 1 in the afternoon. It lasted all night, and the shooting
25 lessened at about 5 in the morning. Since they needed the local inhabitants so that

Trial Hearing
Witness: CAR-V20-PPPP-0002

(Open Session)

ICC-01/05-01/08

1 they would have some food to eat, they called upon the local inhabitants to come out,
2 and at that time they no longer were walking around with their weapons but, rather,
3 they were walking around with clubs, with cudgels.

4 Q. What was it that made you feel safe to return to town?

5 A. Well, I had children. My children went in one direction, I went in another
6 direction, and I was worried. That is why I decided to go back to the town to look
7 for them, to find them.

8 Q. I probably need you to clarify this: Are you saying that when you left the
9 town on 24 February your children remained in the town?

10 A. I told you that I was still at my workshop. I was still working. There was
11 explosions. I closed down the shop and I headed towards my home. During that
12 time, my children had already fled, you see. I crossed the bridge and I took refuge
13 at the JPN camp and then the next day I went back out to look for them. Then I
14 headed towards the hospital, and that is where I realised that --

15 THE INTERPRETER: (Inaudible).

16 THE WITNESS: (Interpretation) -- of my father had been killed.

17 THE INTERPRETER: Correction from the interpreter: "The ally of my father had
18 been killed."

19 MR HAYNES:

20 Q. Okay. Well, let's take it step-by-step. When did your family return to town?

21 A. I crossed the stream at 9 in the morning and they were already there before I got
22 there. I asked them --

23 THE INTERPRETER: The Sango interpreter requests that the witness repeat his
24 answer again.

25 PRESIDING JUDGE STEINER: Monsieur Judes, the Sango interpreter is apparently

1 having difficulties in following what you say. Maybe you were speaking too fast, so
2 he's asking you please to slow down and to repeat your last question. Your last
3 answer, I'm sorry. Could you do that for us, please?

4 THE INTERPRETER: Many thanks from the interpreters.

5 THE WITNESS: (Interpretation) I was working at my workshop. During that
6 time, there were explosions. I closed up my shop and I went home, and then my
7 family had already fled. I crossed the bridge, the bridge, and we were based at the
8 JPN camp. The next day at 9 in the morning I crossed over again to go back to the
9 house and I found all my family there at the house, and they told me that they had
10 crossed the river so that they could go and hide at the home of a relation; more
11 specifically, in their farm in Kanga.

12 MR HAYNES:

13 Q. Okay. But so that we are clear, the following morning, that would be 25
14 February, were you and your family all back at your home in Sibut?

15 A. I came back out on the 25th at 9 in the morning, and that is when I met my wife,
16 my entire family. We were still worried. We went in this direction and that
17 direction to find out what was going on. The next day we crossed and they went to
18 see her elder sister, and after that they came back to the house.

19 Q. Okay. Now, was it 25 February, that's the day after the shooting, that you
20 went to the meeting with Cercueil?

21 A. No, it wasn't the 25th. They called upon us four days after. It wasn't the 25th.

22 Q. Okay. So it was about the 28th, the meeting with Cercueil, if it was four days
23 after; is that right?

24 A. I have already told you that the meeting was convened a few days after they
25 arrived. They announced the meeting the day before and the next day we went to

1 the venue. Their father came to town on the sixth day.

2 Q. And you went to see the arrival of the helicopter; is that correct?

3 A. He told us that the father was going to come, and that is why I went there to see
4 him with my own eyes.

5 Q. And throughout the period, after the 24th until the arrival of the helicopter, you
6 and your family remained in Sibut?

7 A. We did not go anywhere. We remained in Sibut.

8 Q. And did a lot of people return to the town of Sibut after 24 February?

9 A. No, most people remained in the farms. Only a few courageous people came
10 back. The more elderly, women and children were still frightened, and it is only
11 after President Bozizé took power that they returned to town. After those events,
12 the inhabitants of the town decided to farm some 15 kilometres away from town
13 because they were all afraid.

14 Q. When you went to see the helicopter, did your family go with you?

15 A. No, my family did not come along with me. Everybody was afraid. I went
16 with some neighbours to see the arrival of the helicopter.

17 Q. How many people went to see the arrival of the helicopter?

18 A. A lot of people, many people. I cannot give you a specific number. Those
19 who were in town went to that pitch where it landed. The person who convened
20 that meeting got a very positive response from us in terms of attendance.

21 Q. Thank you. Now, I want to show you another little section of the video, and
22 it's the very first section which has no dialogue in it and I think it runs from minute 1
23 to minute 4. I'll just check that. It's from 1 minute 15 seconds to 4 minutes 45
24 seconds, please.

25 (Video excerpt played)

1 THE COURT OFFICER: Madam President, for the record of the case, the video
2 excerpt that was just shown corresponds to document referenced as
3 CAR-DEF-0001-0832 and it's classified as public.

4 MR HAYNES: And the screen can be cleared for now, please.

5 Q. Where were you when that helicopter landed?

6 A. I was opposite the mayor's office, on the other side of the hospital. The chairs
7 that you saw a short while ago were for -- in fact were for the visitors, but the visitors
8 did not spend much time at that location and they did not use those chairs, or seats.
9 All the soldiers you have seen in the video were Banyamulengue.

10 Q. Thank you. And where did the crowd come from that surrounded the football
11 pitch?

12 A. There are several neighbourhoods around the hospital area, so these were
13 courageous, curious persons who came with some seats, but unfortunately the
14 visitors did not sit down.

15 Q. And did that crowd include children?

16 A. Did you yourself not see children running to come and see what was happening?
17 They were curious, they were surprised to see such a large craft landing, so they
18 wanted to see what was happening. As adults, we as adults knew that it was the
19 supreme authority of the Banyamulengue who had come to town.

20 Q. And were the crowd making an excited noise?

21 A. That was normal, wasn't it? We were there and we were watching. He
22 stretched out his hand to the public and to the crowd and we had to react, we had to
23 respond to him.

24 Q. I mean, we saw images there, I think, of people clapping. Is that what the
25 crowd were doing?

1 A. Well, you may want to know that the city was under their domination. We
2 were subjugated to them. If they asked us to cry, all we could do was to comply and
3 cry. We had no choice.

4 Q. So are you telling us that the crowd was told to make a noise?

5 A. No, I did not say that. We were under their authority, under their control, and
6 just imagine for one moment that Bemba, their supreme authority, had come to town.
7 What else could we have done? All we could have done was to applaud and
8 acclaim him. We had no choice.

9 Q. Did you notice towards the end of that video-clip a group of people running
10 towards the camera making jubilant gestures. Did you see anything like that?

11 A. You see, the Banyamulengue committed atrocities in our area. The crowds
12 were concerned and they were preoccupied on that day. They wanted, they wanted
13 to see the father of the Banyamulengue.

14 MR HAYNES: Well, I want to have a look at just a few photographs which are of
15 the same incident so we will need to put the blind down now, and I want to start by
16 looking at document 5 on the Defence list, please.

17 PRESIDING JUDGE STEINER: Court officer, please turn the blinds down, the ones
18 behind the witness of course.

19 THE COURT OFFICER: Document CAR-OTP-0046-0222 will be shown on your
20 screens. It's a confidential document.

21 MR HAYNES:

22 Q. Now, you've told us by reference to places in Sibut where you were, but were
23 you in a position to see that group of people when they emerged from the helicopter?

24 A. Yes, I could see them, but I did not count how many of them were there. I
25 know that the craft was -- the pilot of the craft was a white man.

1 Q. And were all the people who emerged from that helicopter men?

2 A. I did not pay attention to that. They were all wearing trousers, so as far as I
3 know all those who came out of the craft were men.

4 Q. You see, I just want to clear up something I may have misunderstood. The
5 lady who later appears on the videotape, who you say comes from Chad, she wasn't
6 among the people who came out of that helicopter, was she?

7 A. She came from her house, whereas the craft was coming in from Bangui. I do
8 not think that she boarded the craft in Bangui, I do not think so.

9 Q. Thank you. The crowd we can see behind numbered many hundreds if not
10 thousands of people, didn't it?

11 A. It is normal. If you talk about thousands of people, yes, but, you know, the
12 Banyamulengue had committed acts of violence but these were curious crowds,
13 crowds of people who came in their thousands to see what the father of the
14 Banyamulengue looked like.

15 PRESIDING JUDGE STEINER: Mr Haynes, just before you proceed, just for me to
16 geographically situate myself: Mr Witness, is this tree that appears on the picture
17 the mango tree that you mentioned that you stayed in that mango tree; is that correct?
18 I cannot recognise a mango tree, I'm sorry, that's why I'm asking.

19 THE WITNESS: (Interpretation) The mango tree was next to the tarmac road, and
20 then there was a football field known as the Bezera Bria (phon) football pitch, and
21 then the mayor's office was nearby and the mango tree was close to the tarmac road
22 and the craft landed in a spot that was opposite the mango tree. So as you can see
23 there is a mango tree that you can see, but right next to the tarmac road there was
24 another mango tree whose branches you can see.

25 PRESIDING JUDGE STEINER: And which building is that at the side of these trees

1 that appear on the photo?

2 THE WITNESS: (Interpretation) Just behind that building you have a
3 neighbourhood whose leader was a woman. Then next to it was the hospital.
4 I would like to say that I was standing behind the soldier whom you can see on the
5 left of the photograph.

6 PRESIDING JUDGE STEINER: Judge Aluoch.

7 JUDGE ALUOCH: Mr Judes, I would like to seek a clarification on a question that
8 was asked just now by Mr Haynes. It's on the real-time transcript. When
9 Mr Haynes says -- I think it's page 18, line 11, "You see, I just want to clear up
10 something I may have misunderstood. The lady who later appears on the videotape,
11 whom you say comes from Chad, she wasn't among the people who came out of that
12 helicopter, was she?" And your answer was, "She came from the house, whereas the
13 craft was coming in from Bangui. I do not think that she boarded that craft in
14 Bangui, I do not think so."

15 Now, on Friday, Mr Judes, looking at the edited transcript on page 43 of 4 May, that
16 was Friday, talking about this same lady I believe, line 13, part of your answer was,
17 "When Bemba's men arrived, she was with them in their vehicle. I doubt the truth of
18 what she says."

19 Now, when you said she was with them in their vehicle, was it the same day as the
20 plane, the aircraft, or was this another day, the first time they came? Can you just
21 clarify that? Which day is it that she was with them in their vehicle? Thank you.

22 THE WITNESS: (Interpretation) It was on the same day that the craft landed and
23 this happened in front of her house, at her home. All the pictures were taken at her
24 home. There was a journalist and a photographer among them. They came with
25 their own photographer and their own journalist.

Trial Hearing
Witness: CAR-V20-PPPP-0002

(Open Session)

ICC-01/05-01/08

1 JUDGE ALUOCH: Thank you, Mr Judes. I just want to know at what stage was
2 she with them in their vehicle, please? That's what I'm not clear about, at what
3 stage?

4 THE WITNESS: (Interpretation) A short while ago on the video you must have
5 noticed a number of vehicles. It was on the same day, it was on that very occasion
6 that she boarded one of their vehicles to go to Kanga.

7 JUDGE ALUOCH: Thank you. Now I understand she boarded as they were
8 leaving. Thank you very much.

9 MR HAYNES: Thank you.

10 PRESIDING JUDGE STEINER: Mr Witness, we will suspend for half-an-hour. You
11 can take some rest, a cup of coffee or tea. The Victims and Witnesses Unit was
12 already informed about your stomach-ache. Probably someone will come to see you.
13 We will resume at 11.30. I ask, please, the court usher to accompany the witness
14 outside the courtroom. In the meantime, we will suspend and resume at 11.30.

15 (The witness stands down)

16 THE COURT OFFICER: All rise.

17 (Recess taken at 11.02 a.m.)

18 (Upon resuming in open session at 11.34 a.m.)

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

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

22 (The witness enters the courtroom)

23 PRESIDING JUDGE STEINER: Mr Witness, can you explain what is the problem
24 with your headphones, then court usher can help you?

25 THE WITNESS: (Interpretation) Yes, I hear you very well. There's no problem

Trial Hearing
Witness: CAR-V20-PPPP-0002

(Open Session)

ICC-01/05-01/08

1 with the headphones.

2 PRESIDING JUDGE STEINER: Monsieur Judes, are you ready to continue with
3 your testimony?

4 THE WITNESS: (Interpretation) Your Honour, I had to take my medicine, but I'm
5 now ready to continue with my testimony.

6 PRESIDING JUDGE STEINER: Then I give the floor back to Mr Haynes to continue
7 the Defence questioning.

8 MR HAYNES: Thank you, your Honour.

9 Q. And welcome back, Mr Judes.

10 A. Merci.

11 MR HAYNES: Just before the break we were looking at a photograph of a group of
12 people who emerged from the helicopter, and I want to have a look at a similar but
13 slightly clearer photograph, which is Defence document 6, and the blinds will need to
14 be lowered before it is displayed on the witness's screen.

15 THE COURT OFFICER: Document CAR-OTP-0046-0218, it's being displayed. It's a
16 confidential document.

17 MR HAYNES: Thank you.

18 Q. Can you see that, Mr Judes?

19 A. I can't see the picture exactly. I'd like it to be placed on the other screen.

20 Q. I thought there was a problem. Is that better?

21 A. That's better.

22 Q. Okay. I've only got a couple of questions about this photograph. Do you see
23 that in the main that's a group of soldiers and that on each end of the group there is a
24 soldier wearing a maroon beret? Can you see that?

25 A. Yes, I can see that well. These aren't soldiers from our country though.

1 Q. That's the question I was going to ask you. On each of their berets there is a
2 badge, isn't there? Can you see that?

3 A. All these berets were taken by the Banyamulengue. It wasn't only the Central
4 African soldiers who wore these berets. I don't recognise any face on this photo, so I
5 have no comment that I can give.

6 Q. And before the break you were -- in answer to questions about the lady, you
7 talked about the helicopter coming from Bangui. How did you know the helicopter
8 had come from Bangui?

9 A. Well, Bemba came from Bangui. I can't give another country. Bemba at that
10 time was in Bangui. He didn't come from Zaire. He came from Bangui and it was
11 from Bangui that he came to our locality.

12 Q. Okay, but you agree, do you, that the other soldiers in that group that they may
13 be wearing berets of different colours, but nobody's got an insignia badge on their
14 beret?

15 A. I told you that the Banyamulengue wore different berets of different colours. I
16 don't recognise any face on this photo.

17 Q. Well, that may make my next question irrelevant, but did anybody explain to
18 you who the white man in the white trousers was that we see in that photograph?

19 A. There was a white person who came out of the helicopter. They said he was
20 the pilot. I did see a white person, but I don't know who he is.

21 Q. Very well. We may have to hear from somebody else who he is. Now, can
22 we move on, please, and talk about the incident in the marketplace. How far away
23 was the marketplace from the football ground that we see in this photograph?

24 A. There are two markets. One is in the town centre and the other is in Draman,
25 and with regards to the football pitch that's 200 metres from it because it's at the

Trial Hearing
Witness: CAR-V20-PPPP-0002

(Open Session)

ICC-01/05-01/08

1 cross-roads.

2 Q. Okay. And was it at the marketplace that is 200 metres from the football pitch
3 that Mr Bemba bought a galette?

4 A. No, he didn't go there with the intention of buying a galette. It was after he
5 returned from Kanga that he -- there was a crowd there and so he gave a bank-note to
6 the woman who was selling galettes and she wanted to give him change and he
7 refused. So in the group there was the former mayor of the town and they
8 continued on foot. I didn't follow them. I went back to my home.

9 Q. Which former mayor of the town was that?

10 A. I'm speaking about the lady who went with them into their vehicle and at
11 whose house there was this staged scene where people were making statements. I'm
12 talking about that lady.

13 Q. Okay. What sort of size of crowd was at the marketplace when Mr Bemba
14 bought a galette?

15 A. Nobody -- well, they weren't selling in the market, they were selling on the
16 roadside. There was a crowd which was quite significant in number.

17 Q. Okay. That was what I was trying to establish from you. Was the crowd
18 there before they stopped?

19 A. Yes. Well, it's a market and that's why he stopped in order to make that
20 purchase.

21 Q. Okay. And how far away were you from this event?

22 A. I told you that the distance could be from where I'm seated to the door over
23 there. I was under Médard's shop. There were a lot of us there.

24 PRESIDING JUDGE STEINER: Mr Haynes.

25 MR HAYNES:

1 Q. And did Mr Bemba have to get out of a car to buy the galette?

2 A. Yes, he got out of the car, got out of a vehicle. He had a photo taken of him
3 until he went to buy the galette.

4 Q. Good. And did other people get out of the car?

5 A. Yes, all the delegation got out. All these people walked, and it was at that time
6 that he bought the galette.

7 Q. Thank you. And did all of the delegation have the opportunity to speak to the
8 crowd?

9 A. No, I didn't follow such an event.

10 Q. And when the delegation walked the 200 metres, were there people around
11 them then?

12 A. I think I told you I stopped by the market, at the shop. What happened
13 afterwards I can't tell you.

14 Q. Okay. I want to have a look at some of the delegation with you and see if you
15 remember, and can we please put on the screen Defence document number 8.

16 THE COURT OFFICER: Document CAR-OTP-0046-0216 is available on the screens
17 and it's a confidential document.

18 MR HAYNES:

19 Q. Mr Judes, we can see there, can't we, a white twin cab Hilux vehicle with four
20 men standing on the rear platform; do you agree?

21 A. Yes.

22 Q. And they are obviously civilians, aren't they?

23 A. The soldiers are next to them.

24 Q. Can we just focus on the men standing on the back of the car at the moment.

25 One of them at the back has something around his neck. Can you see what that is?

1 A. What does he have round his neck?

2 Q. Well, it's a camera, isn't it?

3 A. Which belongs to whom?

4 Q. The man at the back, who's the tallest of the men, has in his right hand in front
5 of his chest a camera. Can you see that?

6 A. No, I don't see a camera. He's got something round the neck, but the person
7 who took the photo -- well, from there I didn't see it. Even in our locality in Sibut
8 you can't take photos. This group of people, because if it's not permitted, nobody
9 would dare to take a photograph. I've already told you that all this, all the pictures,
10 all the films, which have been presented to me, they're all staged because they are
11 accomplices and that's the situation was terrible. The situation was -- they
12 pretended to be fleeing into the bush and, personally, I don't give any credit to that.

13 Q. Mr Jude, the photograph's been zoomed a little closer now. Can you see the
14 camera now?

15 A. No, but the person that you're showing me isn't a photographer in Sibut.
16 None of the photographers in Sibut could take photos of these people, because the
17 soldiers were present. They wouldn't allow people to take photos. I don't know if
18 you're sure this is somebody from Sibut who took this photo?

19 This photo was never taken by a Sibut inhabitant. I think that you can ask me
20 questions about other subjects, but asking me to comment on the photo -- I'm saying
21 this is something that was staged. I really don't have the intention of commenting
22 on this staged event.

23 Q. Well, that's why I'm asking you these questions. That man isn't from Sibut.
24 I think I can tell you he's from Uganda and he's a journalist. Do you remember
25 seeing four men riding around in the back of a four-by-four Hilux vehicle at this

Trial Hearing
Witness: CAR-V20-PPPP-0002

(Open Session)

ICC-01/05-01/08

1 time?

2 A. The faces aren't very clear. I do recognise one person, who is wearing the sort
3 of spotted shirt, but the other ones I don't know them, so I really can't say.

4 PRESIDING JUDGE STEINER: Mr Haynes, if you are asking the identification of
5 this person, we go into private session.

6 MR HAYNES: I don't think I will, thank you.

7 Q. Can we bring the photograph back to normal size, please, and can we just
8 satisfy ourselves that nowhere in or on that vehicle do we see the lady from Chad?

9 A. This is a twin cab vehicle. It's possible that she might be in the rear cab, or
10 somewhere in the back of the photograph. They went to the base with her before
11 they went off on the plane again, and I'm sure that the photograph was taken. When
12 Bemba arrived, he had some pictures taken of them, but the Ugandan that you've
13 mentioned, how did he manage to find his way to Sibut? Probably he came on
14 Mr Bemba's plane.

15 Q. Thank you. Can we now move, please --

16 PRESIDING JUDGE STEINER: Mr Haynes, sorry. Judge Aluoch wants a
17 clarification.

18 JUDGE ALUOCH: Mr Haynes, are you assuming -- do you want us to assume this
19 was the only vehicle that left?

20 MR HAYNES: I'm going to go through them all.

21 JUDGE ALUOCH: Thank you.

22 PRESIDING JUDGE STEINER: Maître Badibanga.

23 MR BADIBANGA: (Interpretation) On this point as well, your Honour, I think just
24 to be fair to the witness Mr Haynes could have said when the photograph had been
25 taken, because we don't know whether it was when he arrived, when he left at the

Trial Hearing
Witness: CAR-V20-PPPP-0002

(Open Session)

ICC-01/05-01/08

1 end of the operation, at the beginning of the meeting. In short, to have the witness
2 establish that the lady was not in the vehicle, she might have been there one minute
3 before or one minute after, so I think this is somewhat unfair to the witness to try to
4 establish that the lady wasn't there when we don't know exactly when this
5 photograph was taken. I thank you.

6 MR HAYNES: I'm not going to get into an argument. We've got a videotape of this
7 vehicle driving away from the football ground and we will be making submissions on
8 it in due course.

9 Can we please now go to document number 9, another photograph that is
10 confidential?

11 THE COURT OFFICER: Document CAR-OTP-0046-0215 is being displayed. It's a
12 confidential document.

13 MR HAYNES:

14 Q. Mr Judes, can you see that photograph?

15 A. Yes.

16 Q. And do you agree that's an open top jeep motor vehicle, which appears to
17 contain six men?

18 A. Well, I can see two people at the front of the vehicle and there are some others
19 behind. I really can't count them all, or give names to them.

20 Q. And, again, there's no woman in that vehicle, certainly not the woman from
21 Chad; do you agree?

22 A. Behind I can't identify all those people, so I really can't answer your question.

23 Q. Would you like us to zoom in on the people behind for you?

24 A. Yes. The image isn't all that clear. If you could blow up the photograph so
25 I can identify them, please do so.

1 Q. Is that better?

2 A. The photographer who is taking some photographs of people, is he from the
3 town of Sibut?

4 Q. Well, let's see if we can ask a more basic question. What colour does his skin
5 appear to be?

6 A. That's not a question, sir. How can you ask me questions about their colour?
7 Speak to me clearly. I asked you whether the photographer was from the town of
8 Sibut; that is to say a resident of Sibut.

9 Q. Well, let me put it to you in simple terms. In the back of that jeep there are two
10 white men, aren't there, and one of them is using a camera; do you agree?

11 A. Well, the person you talked about a few moments ago, who was Ugandan,
12 where is he amongst all these people?

13 Q. Well, he's in another car, but do you remember seeing that vehicle turn up at
14 the site where the helicopter was and drive away?

15 A. Well, this vehicle belongs to the Banyamulengue.

16 Q. And were the two vehicles we've looked at, the white Hilux and the open back
17 jeep, there when Mr Bemba got out in the market?

18 A. Well, when it was a matter of him arriving, he came with people. This vehicle
19 came from Kanga before the plane arrived and the soldiers here were patrolling the
20 town and they had already taken up a number of positions, and then after that the
21 other soldiers joined him in order to go to the base. This vehicle indeed belongs to
22 those troops.

23 MR HAYNES: We'll move on. Can we now have a look, please, at document
24 number 10?

25 THE COURT OFFICER: Document CAR-OTP-0046-0212 is being displayed. It's a

Trial Hearing
Witness: CAR-V20-PPPP-0002

(Open Session)

ICC-01/05-01/08

1 confidential document.

2 MR HAYNES:

3 Q. Again, Mr Judes, can I just check with you that you can see the photograph on
4 your screen?

5 A. Could you lighten it somewhat so I can see it properly?

6 Q. I think all we can do is make it a bit bigger. Would that help?

7 A. Yes, please do so.

8 Q. Is that better, Mr Judes?

9 A. I can't identify the face of this woman.

10 Q. Can you identify the place in the photograph?

11 A. That is at the residence of Mrs Maliembo.

12 PRESIDING JUDGE STEINER: Sorry, Mr Haynes.

13 Mr Witness, you say you cannot identify the face of this woman. Which woman you
14 were talking about? Which one appeared to you to be a woman?

15 THE WITNESS: (Interpretation) Well, the person on the other side looks like a
16 woman. This person's face is dark. I really can't identify this person. I think the
17 person would have to be completely visible for one to identify the person, to
18 recognise the person.

19 MR HAYNES:

20 Q. Well, let's leave aside sex for the moment. On the left is a person in a pink cap
21 and a black T-shirt; do you agree with that?

22 A. Well, the person that you have referred to, is that a white person, or a black
23 person? I don't know. I suppose that the place is on the Gbandoro road, because
24 they were heading towards the Catholic church.

25 Q. Can you not see it is a white person?

1 A. Well, if that is a white person, which one? What nationality is this person?
2 Where is this person from? This white man was sent to Sibut to work as a
3 photographer.

4 THE INTERPRETER: Interpreter correction: The road mentioned in the previous
5 reply was Kaga-Bandoro. Kaga-Bandoro.

6 MR HAYNES:

7 Q. Well, I can in fact tell you precisely who he is. His name is Gabriel Kahn and
8 he's a French journalist from Radio France Internationale and he is a white person
9 and do you agree he's talking, or doing something, close to another white person?
10 What's he doing?

11 A. Well, the French journalist in question, how he -- how could he have appeared
12 in Sibut? Wasn't it Bemba who brought him there? I don't understand why you
13 are asking me about this. He is the one who brought all those people to carry out
14 those acts of violence, the abuse. You're asking me questions about photographs
15 and I can't identify the people. I don't understand. Certainly this photograph was
16 taken within 1 kilometre of our locality. You are talking to me about people I don't
17 know. I don't understand, and I suppose that part of this staged scene, this whole
18 set-up, was done at the home of that lady. Are we having a -- can you have a trial,
19 can you conduct a trial, with photographs?

20 Q. Do you agree that the man in the pink cap is pointing a video camera at a man
21 in a black jacket and white trousers?

22 A. I told you that I don't have any comments to make about the photographs. I
23 didn't come here to give testimony about photographs, so I would prefer to leave it at
24 that.

25 Q. Can we take it that on the day you have described, when you say Mr Bemba

Trial Hearing
Witness: CAR-V20-PPPP-0002

(Open Session)

ICC-01/05-01/08

1 came to Sibut, you didn't see all these people with cameras and video cameras in the
2 town?

3 A. I've told you, Bemba went down to the market and he had pictures of himself
4 taken. After that, he went within 1 kilometre of that lady's home for this set-up. I
5 don't see why you're asking me questions about these photographs. If it's just -- well,
6 if I had taken them, I could talk about them.

7 Q. You do accept, do you, that these photographs were taken on the day you're
8 talking about?

9 A. Yes, I acknowledge that, because that is the day when he came. That is when
10 these photographs were taken. They were taken at the home of that lady. These
11 photographs were taken in a private setting. They were not taken publicly. I don't
12 know why today, as part of this trial, I'm being asked to make comments about
13 photographs. I'm here to tell you about the events that I experienced, not to make
14 comments about photographs.

15 PRESIDING JUDGE STEINER: Mr Haynes, I need a clarification -- some
16 clarifications from the witness, please.

17 Mr Witness, just one -- the first clarification, when you saw the helicopter arriving at
18 the football pitch, you said that you saw one white man coming together with
19 Mr Bemba and the other persons; is that correct?

20 THE WITNESS: (Interpretation) That's right. I saw a white man accompanying
21 the delegation. They went together to the base. There was also the photographer,
22 the short one, who was taking photographs.

23 PRESIDING JUDGE STEINER: This photographer that you mentioned that was
24 taking photographs at the market, was he a white man?

25 THE WITNESS: (Interpretation) There was a short man and he was wearing

1 khakis. He was the one who was taking photographs. However, he did not go
2 with the delegation all the way to the base. He stayed beside the helicopter -- beside
3 the aeroplane.

4 PRESIDING JUDGE STEINER: But was he a white man?

5 THE WITNESS: (Interpretation) He was a black man.

6 PRESIDING JUDGE STEINER: Have you seen, or did you see in that very same day
7 many white men around Mr Bemba? Three, four, five white men, or only one?

8 THE WITNESS: (Interpretation) Well, I can't tell a lie. I saw only one white man.
9 I did not see several.

10 PRESIDING JUDGE STEINER: And the one that was taking pictures from
11 Mr Bemba in the market, the short one, was also a black man, not a white one; is that
12 correct?

13 THE WITNESS: (Interpretation) That's right. He was in the same delegation as
14 Mr Bemba.

15 PRESIDING JUDGE STEINER: And, as far as you remember, there were no other
16 white men in Mr Bemba's delegation that day in which the helicopter arrived in Sibut;
17 is that correct?

18 THE WITNESS: (Interpretation) I only saw one white man accompanying
19 Mr Bemba's delegation, but the other white men that are being shown to me here
20 today I don't recognise them.

21 MR HAYNES: Thank you, your Honour.

22 Q. Just for my clarification, the black man who you saw taking photographs, did
23 you say he stayed with the helicopter?

24 A. No, the photographer went with them as far as the base. Myself, I stayed at
25 the market and from there I went to my house. So I didn't follow the events that

1 occurred after, but the other photographs were taken at the residence of the lady,
2 about 1 kilometre away.

3 Q. Thank you very much. Now, I just want to move on to something else. The
4 man who told you that one of the visiting party was Mr Bemba, was he Congolese, or
5 Central African?

6 A. He was a soldier, one of Bemba's soldiers.

7 Q. Was he a commander, or a senior officer, or just an ordinary foot soldier?

8 A. Well, those soldiers did not have any visible ranks. They did not wear any
9 insignia. The uniforms that they were wearing were taken from other soldiers, so
10 we couldn't distinguish the various ranks of the soldiers in the locality. I just knew
11 that it was a soldier.

12 Q. In what language did you speak to him?

13 A. In Sango.

14 Q. And in what language did he respond?

15 A. I told you that he spoke to me in Sango, because many of them spoke Sango.
16 Amongst the soldiers there were some shoe-shiners, and they were sort of people
17 who indicated the way for others so to speak, who were scouts so to speak, for the
18 looting operations.

19 Q. Okay. And where did this conversation take place?

20 A. He was in a civilian attire and we were together in front of the mayor's office.
21 He was not in uniform and, therefore, could not introduce himself to his chief, so
22 there were a number of them with us in front of the mayor's office.

23 Q. And was that during the period when the party were disembarking the
24 helicopter?

25 A. It is not possible to identify someone who is still inside the helicopter. It is

1 only when they came out of the helicopter and the vehicles came to take them that I
2 asked who Bemba was, and then the soldier said, "That is Bemba over there." There
3 was a stout bodyguard and Mr Bemba was waving his hands and greeting the people
4 and the soldiers who had gathered. Then he was escorted to their base.

5 Q. So, so that we're clear, how far away were you from the party outside the
6 helicopter?

7 A. I don't know how many times you want me to provide this information. I told
8 you that the distance was between where I am and the door. The mayor's office was
9 not far away from where we were. We were at the mayor's office. I asked the
10 soldiers who Bemba was. I asked them that question because we used to share palm
11 wine together, so he said, "That is Bemba." Somebody came out of the plane first
12 and then Bemba came out after him. You see, the distance between us even at the
13 market was not that great. It was like between my position and over there.

14 PRESIDING JUDGE STEINER: For the record, the "over there" is the door behind
15 the Prosecution's bench.

16 MR HAYNES:

17 Q. This might be a mistake in translation, but I better check it. You apparently
18 said, "I asked the soldiers who Bemba was. I asked them that question because we
19 used to share palm wine together." Is that what you said?

20 A. Yes, that's what I said.

21 Q. When were you in the habit of sharing palm wine with Mr Bemba's soldiers?

22 A. It was on the day Cercueil invited us. That is the day on which we shared
23 palm wine and that was not far away from the mayor's office. It is at that time that
24 Cercueil made a statement and then palm wine was brought, which we shared, and
25 then the next day I asked who Bemba was and he was pointed out to me.

1 Q. Okay. I want to just show you another photograph and see whether you can
2 clarify something for us, and it's Defence document 20.

3 THE COURT OFFICER: Document CAR-OTP-0046-0196 is being displayed and it's
4 a confidential document.

5 MR HAYNES:

6 Q. Do you recognise anybody in that group?

7 A. Please could you zoom in? I would like to see the faces better.

8 Q. Have you got all three faces on your screen at the moment, Mr Jude?

9 A. Yes, I can see the picture, but I do not recognise those faces. I don't recognise
10 any of those faces.

11 Q. You see, the man on the far left is the man you identified the other day as
12 Mr Bemba, but we can all agree that's not Mr Bemba. I want to ask you about the
13 man on the far right, who's in the camouflage uniform, and if we can look at his face
14 even more closely it might help.

15 A. Yes, I can see clearly now.

16 Q. I know it's a long time ago, but do you recognise him?

17 A. That is Mr Bemba.

18 Q. Yeah, I thought so. That is Mr Senga, which has the same vowel sounds as
19 Bemba, but it's not Mr Bemba. Do you think that's what you were told? Somebody
20 pointed out to you Senga?

21 A. I think the problem is with the picture, with the photograph. I am -- I believe
22 that I identified him yesterday and the problem here is that the photographs, or the
23 images, are not very sharp.

24 Q. Okay, let's move on. I think we've got time to do this. I want you to have a
25 look again, please, at a piece of videotape that we looked at -- that you looked at with

1 Ms Douzima Lawson the other day. It's the third section of the videotape. It runs
2 from minute 27 to minute 32, please, and the screen can be raised for a little while.

3 A. If we continue looking at these videos, I will stop testifying. I did not come
4 here to give a testimony on photographs.

5 PRESIDING JUDGE STEINER: Mr Witness, let me try to explain to you that these
6 photographs, most of them refer to the presence of the Banyamulengue in Sibut and
7 that's why these photographs and the videos are important - are relevant - as pieces
8 of evidence and that's why Defence is asking you to identify people on the video.
9 Your legal counsel, Maître Douzima, also showed you some pictures and asked you
10 to identify.

11 So it's important, Mr Witness, that you answer to the questions when you are called
12 to explain the pictures, to identify, and if you don't know who these people are, you
13 just say, "I don't know who these people are." There is no problem if you say that
14 you don't know, but you have to answer to the questions and I ask you please to be
15 patient and to allow Defence to continue.

16 Court officer, please help the witness to put the headphones back and ask, please, the
17 presence of VWU.

18 Mr Witness, this is the Presiding Judge talking to you and I will repeat what I said
19 and I hope that you can listen to what I am saying.

20 I was trying to explain, Monsieur Judes, that these photographs and these videos they
21 show, or they intend to show, the presence of the Banyamulengue in Sibut. Your
22 legal counsel, Maître Douzima, the Prosecutor and the Defence are showing you the
23 videos and the photographs to see whether you can identify the places, the persons,
24 so these photographs and the videos are relevant to this case and it is important that
25 you answer to the questions put to you in relation to these photographs and these

Trial Hearing
Witness: CAR-V20-PPPP-0002

(Open Session)

ICC-01/05-01/08

1 videos.

2 If you don't know the answer, if you cannot recognise the persons or the places, you
3 can just say, "I don't know," but these are relevant documents for the case and
4 therefore I ask for your patience in order to continue answering to the questions put
5 to you. If you are tired, we can try to anticipate the break. Otherwise, we will
6 continue. We still have 15 minutes, but we need you to be open and willing to
7 answer to the questions put by Defence.

8 Do you understand that, Monsieur Judes?

9 THE WITNESS: (Interpretation) Yes, I do understand that, but I think repetitive
10 questions are being put to me on the same photographs, on the same pictures. I
11 need to think about these things and it would appear to me that he is putting the
12 same questions to me over and over on these photographs. I think that having to
13 answer the same questions over and over again is quite stressful, but in any event we
14 can proceed.

15 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. I will try to
16 recommend Defence to avoid as much as possible repetitive questions but,
17 Mr Haynes, you can proceed.

18 MR HAYNES: I was actually just waiting for a section of videotape to play, which is
19 section 3 from minute 27 to minute 32.

20 THE COURT OFFICER: The video CAR-DEF-0001-0832, as of minute 27, will be
21 played in a few seconds.

22 (Video excerpt played)

23 MR HAYNES:

24 Q. Mr Judes, I really don't want to go over things you've been asked before, but
25 there are two or three questions about this section of the videotape that I have for you

1 and I thought it was better that you had the chance to see it again so that you could
2 remember what this lady said. And the first questions I have for you are: Do you
3 agree not just that she's who she says she is, but that she is what she says she is;
4 namely, the representative of a women's organisation?

5 A. Her name is Lucienne Maleyombo.

6 Q. I know that. We have dealt with that on a number of occasions, but did you
7 know that she was the president of a women's organisation in February of 2003?

8 A. Yes, but from her statement you see that those ladies were not present. It is
9 only when Bemba's delegation went to her house on the other side, close to the
10 position of the vehicle, where the vehicle is parked, so it is in her house that this
11 happened. What she said I never heard anyone talk about it. All I know is that
12 people mentioned that she had thanked Bemba, but she didn't offer those thanks in
13 public. At that time she was not the mayor of our area. If there were any public
14 declaration or statement to be made, it should have been made at the mayor's office
15 or in public, so this is all the staged. These things should have happened openly.
16 At that time there were no photographers in our area, so the photographers, the
17 journalists and all those who came were on Bemba's payroll. So I have my doubts as
18 to the veracity of these statements that were not made in public. Who blocked the
19 roads? Who put up the roadblocks? It was Bemba's rebels who set up roadblocks.
20 It was not Bozizé's rebels. It is the Banyamulengue who set up roadblocks along the
21 roads from Damara, so it was not possible to travel from Bangui to Sibut. For that
22 reason, one had to go through Galafondo, Possel, take a canoe before getting to
23 Bangui, so all the civil servants who fled went through Possel. Now we are being
24 told that it is Bemba who liberated our area. That is not true and I did not come here
25 to lie, I came here to tell the truth, so I lend no credence whatsoever to the content of

1 this video.

2 Q. Well, you've pre-empted my first question. It is true, isn't it, that the road to
3 Bangui had been closed for three months?

4 PRESIDING JUDGE STEINER: Yes, Mr Zeneli?

5 MR ZENELI: Thank you, ma'am. Again, if my memory serves me right, he never
6 said that it was blocked for three months, so if we are trying to put evidence to the
7 witness I think we should be very careful, especially with a warning given by the
8 judge, on the vulnerability of this particular witness and after what we just
9 experienced. So I would kindly ask that my learned friend rephrases the questions,
10 makes them more simple, so that we don't add to a confusion on the witness's part.
11 Thank you, your Honours.

12 PRESIDING JUDGE STEINER: Maybe, Mr Haynes, less simple and less leading.
13 That would help.

14 MR HAYNES: I'll leave that to one side for now.

15 Q. What sort of information would this lady have had that, for example, you
16 wouldn't as the representative of an organisation of women?

17 A. I doubt this, because such a statement should have been made in public. This
18 statement was made privately, because in order to go to her home you have to go 1
19 kilometre. You can see there, where the vehicle is. That -- that is the road, the
20 tarred road. At least I doubt it. I don't give any credibility to this statement,
21 because in the locality there wasn't a photographer. There was nobody with a
22 camera who could take these videos.

23 PRESIDING JUDGE STEINER: Mr Haynes, it's clear that the witness did not
24 understand your question. I'm having difficulties in understanding as well, but
25 maybe because it's time for the lunch-break, so if you agree we would leave the

Trial Hearing
Witness: CAR-V20-PPPP-0002

(Open Session)

ICC-01/05-01/08

1 question to be repeated after the break.

2 MR HAYNES: Certainly, your Honour.

3 PRESIDING JUDGE STEINER: Mr Witness, we will have now our lunch-break.

4 It's important that you try to get some rest. It's 1 o'clock. We'll be back at 2.30, and
5 whatever you need please contact the person from Victims and Witnesses Unit that is
6 accompanying you.

7 I ask, please, court usher to accompany the witness outside the courtroom. In the
8 meantime, we will suspend and resume at 1.35 to be more exact. Sorry, 2.35.

9 (The witness stands down)

10 THE COURT OFFICER: Madam President, if I may just for the record of the case,
11 the last portion of the video that was played was from minute 27 to minute 31 and
12 43 seconds. This is video CAR-DEF-0001-0832, which is a public document -- video.
13 Thank you.

14 All rise.

15 (Recess taken at 1.03 p.m.)

16 (Upon resuming in open session at 2.39 p.m.)

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

18 PRESIDING JUDGE STEINER: Good afternoon and welcome back. Before we bring
19 the witness in, I would like to ask Mr Haynes on whether Defence is -- has an estimation
20 to give to the Bench on the time still needed for completing its questioning?

21 MR HAYNES: I think we will finish today. In fact I'm certain that we will finish today,
22 given that there is available to us an additional half-hour. Looking at it at the moment I
23 don't think I'll need the additional half-hour, but let's see how we go.

24 PRESIDING JUDGE STEINER: Just on behalf of the Chamber, I suggest that Mr Haynes
25 point -- puts to the witness only the very necessary questions in order to conclude its

Trial Hearing
Witness: CAR-V20-PPPP-0002

(Open Session)

ICC-01/05-01/08

1 testimony, since the Chamber received a report from VWU that the witness is already
2 showing signs of distress, complaining about repetitive questions and questions he does
3 not understand, and that he wants to go home.

4 So in order to avoid any further problems with the witness, the Chamber would very
5 much appreciate if Defence directs to the witness only really relevant, important questions,
6 in a short and simple format, open-ended questions, in order to advance as much as
7 possible the proceedings.

8 Thank you very much, Mr Haynes. I ask, please, court usher to bring the witness in.
9 (The witness enters the courtroom)

10 PRESIDING JUDGE STEINER: Monsieur Judes, welcome back.

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

12 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony,
13 Monsieur?

14 THE WITNESS: (Interpretation) I am ready.

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

16 MR HAYNES: Thank you, your Honour.

17 Q. And good afternoon, Mr Judes.

18 A. Good afternoon, Counsel.

19 Q. I'm going to quicken up as much as I can, but we must always remember to leave a
20 gap between questions and answers. You will remember that, won't you?

21 A. Understood.

22 Q. Okay. Thank you. Can we start, please, by putting on the screen document
23 number 14. It's another confidential photograph and so the blinds will have to be
24 lowered.

25 THE COURT OFFICER: Document CAR-OTP-0046-0206 is being displayed. It's a

Trial Hearing
Witness: CAR-V20-PPPP-0002

(Open Session)

ICC-01/05-01/08

1 confidential document.

2 MR HAYNES:

3 Q. Can you see the photograph, Mr Judes?

4 A. Yes, I can see it.

5 Q. And can you help us as to the location of that photograph?

6 A. This photograph was taken behind the house. I can't really identify the place. If it
7 was in front of the house I would know that.

8 Q. Okay. Thank you very much. Then, in that case, we'll go directly to photograph
9 15.

10 THE COURT OFFICER: Document CAR-OTP-0046-0204 is displayed, is being displayed,
11 and it's a confidential document.

12 MR HAYNES:

13 Q. Again, Mr Judes, can you see that photograph clearly?

14 A. Yes, I can see it.

15 Q. And can you help us as to the location in which that photograph was taken?

16 A. I think it was taken in Bezera Bria. That's in the field in question; that is to say, the
17 field in which the plane landed.

18 Q. Thank you. And does that photograph capture the mood of the people who were
19 in that field on that day?

20 A. But how couldn't these children be enthusiastic? It was said at the time of the
21 plane that the father was going to come, and you know very well that children are very
22 curious when it comes to seeing a plane. That's when -- that's the reason why masses of
23 them came to see the plane.

24 Q. Do you recall when we were listening to the -- or watching the videotape of the lady
25 from Chad this morning there was a lot of background noise of children shouting joyfully

Trial Hearing
Witness: CAR-V20-PPPP-0002

(Open Session)

ICC-01/05-01/08

1 that she commented upon?

2 A. I don't disagree. What I said was that the comments that she made weren't public.
3 Everything occurred at her home.

4 Q. Was there a mood of great jubilation in Sibut on the day the helicopter arrived?

5 A. I didn't see an atmosphere where people were dancing in the field where the plane
6 had landed, no.

7 MR HAYNES: Can we move on to document 16, please.

8 PRESIDING JUDGE STEINER: Court officer, please, what is the number of document 16,
9 please?

10 THE COURT OFFICER: Madam President, document 16 is referenced as

11 CAR-OTP-0046-0203. It's a confidential document and it's being displayed.

12 MR HAYNES:

13 Q. Mr Judes, you've seen this photograph before, haven't you; do you recall?

14 A. Yes.

15 Q. And when you were shown it the first time, your attention was focused on the man
16 in the uniform. I want you to focus on the people around him. Do you agree that there
17 are a lot of girls and young women in that group?

18 A. This photo was taken at the home of the woman who I mentioned here. These are
19 the inhabitants of the Ngowe neighbourhood. I told you that at the cross-roads - Dekoua
20 cross-roads - to her home, that's a distance of about a kilometre.

21 Q. Mr Judes, you'll be pleased to hear that that is the last photograph I want you to
22 look at. You may not be so pleased to hear I'm going to ask you just to look at the last
23 section of videotape, and to make it short we'll play two sections together. So can we
24 play the tape from 32 minutes 28 seconds until 42 minutes 18 seconds, and those are
25 portions four and five in the transcript.

Trial Hearing
Witness: CAR-V20-PPPP-0002

(Open Session)

ICC-01/05-01/08

1 THE COURT OFFICER: The video that will be shortly displayed is video
2 CAR-DEF-0001-0832.

3 PRESIDING JUDGE STEINER: Yes, Mr Zeneli.

4 MR ZENELI: Perhaps I'm rushing, your Honour, but can we just repeat the minutes so
5 that they can go directly there?

6 MR HAYNES: I think it's on the transcript now.

7 (Video excerpt played)

8 MR HAYNES:

9 Q. And that's the last that we'll use the video, Mr Jude. I'm sure you're pleased to
10 hear that. I don't have many questions on these two sections because you saw a part of
11 one of them before, but did you recognise the Muslim gentleman as somebody from
12 Sibut?

13 A. Yes, he is an inhabitant of Sibut.

14 Q. And I want to come now to the second section of the video that you looked at, which
15 Ms Douzima showed you a little bit of the other day, and I want to see if you have any
16 comments about some things that arise from that. Do you recall that, after Bozizé's
17 troops came through Sibut for the first time, Chadian soldiers followed a short time later?

18 A. Thank you. I told you that this video does not reflect reality. The Central African
19 Republic soldiers and the other soldiers were working together. The person who spoke
20 in the video, this person is an adviser to the president of the MLPC. I no longer recall his
21 actual title, but I have to explain to you that the various statements that were made were
22 made secretly. Most of the people were not aware of these statements. We are here
23 before the Court and we are here to tell the truth.

24 The person who just spoke in this video, his son is also a rebel. The Banyamulengue did
25 not find the rebels in the field, because the rebels had already withdrawn. The young

Trial Hearing
Witness: CAR-V20-PPPP-0002

(Open Session)

ICC-01/05-01/08

1 people who were there, they were only people who had an idle interest, who wanted to
2 see Bemba. They were onlookers. This entire video, everything they did, has a political
3 slant to it. This is all about politics, so I really doubt that all these various remarks made
4 are truthful. I really doubt it.

5 Q. I need to clear up a few things you've said there. Which one of the two gentlemen
6 we were just listening to is an adviser to the head of the MLPC? Is that the Muslim
7 gentleman, or the civil servant?

8 A. The civil servant is the federal president of the MLPC. The other person is an
9 adviser to the MLPC and he worked from Dekoua, even Chaku (phon).

10 Q. So I want to be clear: Are you saying both men have a connection with the MLPC?

11 A. These people are both in favour of the MLPC. He is the federal counsellor, or
12 adviser, and Amadama (phon) --

13 THE INTERPRETER: Correction from the Sango booth.

14 THE WITNESS: (Interpretation) -- is the president.

15 MR HAYNES:

16 Q. And what is the MLPC?

17 A. The MLPC is Patassé's party.

18 Q. Thank you.

19 PRESIDING JUDGE STEINER: Mr Haynes, may I? Mr Witness, just for me, could you
20 please -- do you know the names of these two persons? Could you tell me the names of
21 the first and of the second man that you saw on the video, if you know of course?

22 THE WITNESS: (Interpretation) Amadama. Amadama. Shibo (phon) Amadama.
23 The second person is called Malienge (phon). I don't know what his first name is.

24 THE INTERPRETER: "Malienge," correction from the Sango booth.

25 PRESIDING JUDGE STEINER: Thank you very much. Mr Haynes.

1 MR HAYNES: Thank you.

2 Q. And you also said that the person who just spoke in this video, his son is a rebel.

3 To whom were you referring then?

4 A. Malienge, the federal president. His son was part -- he was part of the rebellion,
5 and now he is a consul-general for the republic.

6 Q. Which rebellion are you referring to?

7 A. He was part -- one of Bozizé's rebels.

8 Q. And how did you know that?

9 A. How I could not know? They were all in Sibut before they went to Bekoa (phon).
10 I knew the young people well, the young people who were involved in the rebellion,
11 before the withdrawal to Bekoa. I knew them all.

12 Q. Thank you. And how long were they in Sibut before they withdrew to Bekoa?

13 PRESIDING JUDGE STEINER: Yes, Mr Zeneli.

14 MR ZENELI: Thank you, Madam President. It's simply a repetitive question. Many
15 times has the witness told us that they were there for two weeks, at least four or five times,
16 so let's avoid repetitions. Thank you.

17 PRESIDING JUDGE STEINER: Mr Zeneli, I already gave recommendations to Defence
18 counsel. Let's try to proceed without exaggerating on the objections, please. These
19 sometimes are more disruptive than the repetition of questions themselves. Mr Haynes.

20 MR HAYNES: Thank you.

21 Q. I want to move on to something rather different now, and that is the process by
22 which you became involved as a victim. Do you know who Bernadette Sayo is?

23 A. I don't know her.

24 Q. Well, you may not know her. Have you heard her name?

25 A. I haven't heard that name.

1 Q. Have you heard of an organisation called OCODEFAD.

2 A. But that is the wife of the man who was taking care of that organisation. Two
3 houses were built to be used as a pharmacy, but at no time was that building provided
4 with medications.

5 Q. Sorry, who is the wife of the man who looked after that organisation?

6 A. I'm talking about the wife of Malienge. She's a Muslim woman. She was sent two
7 motorcycles. Despite everything that was at her disposal, no supplies were
8 provided - no supplies of medications - and then after that the suppliers withdrew.

9 Q. Okay. Well, in the interests of moving along, we'll leave that. I want to ask you
10 about the occasion when some lawyers came and people filled in forms. Do you
11 remember telling Mr Zeneli about that the other day?

12 A. The lawyer that had me fill out the form was not a woman; that person was a man.

13 Q. Okay. Do you recall even approximately when it was that you first filled out a
14 form?

15 A. I no longer recall the date on which the form was filled out. You know, the events
16 occurred a long time ago, more than ten years ago.

17 Q. I understand that. Do you recall how the arrangement was made for you to meet
18 with the lawyer?

19 A. The lawyers did not go to Sibut secretly; they went there officially, and they asked
20 people to come and fill out the forms, and so that is how it came to be that I went to that
21 place to fill out the forms.

22 Q. Okay. Do you remember the name of any of the lawyers with whom you filled out
23 the forms?

24 A. Well, I just filled out a form. I wasn't trying to determine what the person's name
25 was. He came in order to provide me with some assistance, so I wasn't going to ask him

1 what his name was. After filling out the form he gave me a receipt, and I still have it.

2 It's at home. A receipt with a number.

3 Q. Okay. And were there other people from Sibut filling out forms when you went to
4 see the lawyer?

5 A. Everyone was fighting one another to fill out the forms. And when the forms ran
6 out, people went back home and waited for another delivery of forms, for another batch of
7 forms.

8 Q. Okay. And what was the purpose of all these people filling out forms?

9 A. Well, if you weren't a victim, and you couldn't find lawyers to help you fill out the
10 forms, well, at that time there were no authorities. There was no one that we could file a
11 complaint with, and when the lawyers arrived we rushed to see them to fill out the forms
12 and then to wait for some kind of outcome.

13 Q. Just so that we have a picture of it, in what sort of place were all these forms being
14 filled out?

15 A. Sometimes it was at the rebels' base, at the Kanga neighbourhood. Sometimes it
16 was at the town hall. It was done publicly; in public. Only victims could fill out the
17 forms. The neighbourhood leaders were there to distinguish between the victims and
18 those who were not victims. Only the victims could fill out these forms.

19 Q. Do you happen to remember how they made the distinction between who was a
20 victim and who was not a victim?

21 A. The neighbourhood leaders and the inhabitants had been victims of all of that, and
22 the neighbourhood leaders would go around the neighbourhoods to observe the events or
23 see what had happened. The neighbourhood leader is a representative of the
24 government, so it was his duty to determine who had really been a victim of violence and
25 abuse.

Trial Hearing
Witness: CAR-V20-PPPP-0002

(Open Session)

ICC-01/05-01/08

1 Q. I don't know if you know the answer to this, but if you turned up and you said, "I
2 was a victim of violence perpetrated by Bozizé's rebels," were you or were you not a
3 victim?

4 A. What types of acts of violence did Bozizé's people commit? What did they do?
5 They did not know anything. Lawyers had asked us to work in groups so that we can be
6 assisted by Bozizé's group in the performance of our duties, so I must say that this
7 problem did not involve Bozizé. Bozizé was already in power, and Bozizé's people did
8 not hurt the people, our population. It is the other people who are involved in this case.

9 Q. And were you advised by Bozizé's people, and the lawyers, that only claims against
10 the Banyamulengue would be entertained by them?

11 A. That is not what was said. We were simply invited to fill out the forms reflecting
12 the extent of the loss or damage we had suffered.

13 THE INTERPRETER: And a request from the Sango booth is that the witness be asked to
14 repeat the last segment of his answer, which was missed.

15 MR HAYNES:

16 Q. Mr Judes, I'll see if I can read back what you said. You said, "That is not what was
17 said. We were simply invited to fill out the forms reflecting the extent of the loss or
18 damage we had suffered," and I think you said something after that which has not been
19 translated. Can you say it again, please?

20 A. The complaint that I filed -- and by the way, if Patassé were still alive I would be
21 claiming compensation from him and from Bemba, because it is both of them who
22 brought the Banyamulengue to our country.

23 Q. Do you remember whether you filled in one form, or more than one form?

24 A. Initially, there was a headcount conducted by the Red Cross. Then a white man
25 and his wife arrived at the Catholic church, and a lot of us went there - about a thousand

1 of us - and then later on the lawyers showed up.

2 Q. Okay. And was that about two years ago, or longer ago than that?

3 A. Some of that goes back to about five years, and I know that some victims were able
4 to fill out the forms, while others were not able to fill out those forms.

5 Q. Okay. I just want to look at what you said in your form, when you filled it in.
6 You said (Interpretation), "I tried to count my property ..." --

7 A. I haven't understood your question.

8 Q. (Speaks English) Yes, I'm going to start reading again, because somebody was
9 plainly misunderstanding my French. It says (Interpretation), "I was a victim of pillaging
10 of my goods by Bemba's soldiers, who took my two sewing machines away, tore off the
11 clothes that I had received to sew," (Speaks English) and I wanted just to ask you about
12 that. I think you now say that only one of those machines - one of those sewing
13 machines - was yours?

14 A. I told you that the zigzagging machine belonged to me. Now, the other sewing
15 machine, the Singer, was damaged by them. I still have that sewing machine with me,
16 but the clothes were taken away. The tables were used by them as fire-wood.
17 Now, clients who had brought their material for me to sew, and whose clothes and
18 material were taken away, continue to harass me to this day. They want me to give back
19 their materials, their fabrics. I have been harassed several times because of this issue. I
20 also lost several items of clothing, and I simply want to say that I did encounter many
21 difficulties after these events.

22 PRESIDING JUDGE STEINER: Mr Haynes, can you please give the reference number of
23 the excerpt that you quoted?

24 MR HAYNES: Yes, it's CAR-V20-0001-0072.

25 Q. The machine which was damaged, do you know whether the owner of that machine

1 also filled in a form claiming for the loss of his sewing machine?

2 A. He could not have filled out a form, because I was the only one in possession of that
3 machine. Whenever we met he did not ask me about the machine any more, because I
4 did not have any resources to pay him back for the machines. So I can confirm that he
5 did not fill out any form.

6 Q. Okay. A slightly different aspect of this. At the time you filled in the form, were
7 you aware of the identities of other people who were similarly filling in forms?

8 A. How do you expect me not to have known? There were many of us and I knew
9 them. I knew some by name.

10 Q. Were any of the people you saw, according to what you knew or had been told,
11 victims of offences other than pillage?

12 A. I have not quite understood your question. I did not hear your question.

13 Q. Okay, it wasn't a very easy question to translate. I'll try and make it more simple.
14 Did you see anybody there filling in a form who you believe to be a victim of rape?

15 A. Many.

16 Q. Of course, according to you, nobody could have been a victim of any offence at the
17 hands of the Banyamulengue before 24 February 2003; that's right, isn't it?

18 A. That is the date on which they entered the town, on 24 February. They came in
19 through Socada at about 13 hours.

20 Q. I just want to be absolutely clear. You never saw with your own eyes anybody
21 raped, did you?

22 A. I did not see with my own eyes, but I was able to observe at the hospital that such a
23 thing had happened. Let me say that at the hospital there were no qualified nurses on
24 duty at the time. It is only the Red Cross volunteers who were treating the people at the
25 hospital at the time.

1 Q. Yes. And that's something else somebody said on that videotape, isn't it, about
2 how Bozizé's rebels destroyed the hospital; isn't that correct?

3 A. I do not know. I do not think so. It is when they were leaving that they fired
4 some gunshots that damaged part of the hospital, but before that time those rebels had not
5 gone to the hospital, neither to loot it nor to damage it.

6 Q. And just to be clear, you never saw with your own eyes anybody murdered?

7 A. No one was murdered. The Banyamulengue whom I have been talking about
8 killed only that one man, that person I mentioned. I did not come here to lie. All they
9 did was rape the women and loot or pillage property, that is it.

10 Q. You didn't see your sewing machine being stolen, did you?

11 A. Those are the type of questions that I don't like to hear. I did not see with my own
12 eyes? Well, on 24 February, in the evening, that is the day on which they broke into my
13 store. That is the day on which my machines were stolen. When I went back on the
14 25th everything had -- was gone. There was nothing. It was empty.

15 Q. In fact, you didn't see anything being stolen, did you?

16 A. The door was locked with a key. They blew the door by firing at the lock. Who
17 could have stolen my machine whereas I had locked up my workshop? I was not the
18 only one who lost property. They broke into other workshops in the area, in the market,
19 and goods and property were strewn all over the place, here and there.

20 Q. You see, we know that General Bozizé attacked Bangui in late October 2002, and his
21 forces came through Sibut to get there, didn't they?

22 A. On the first occasion they did not come from Sibut; they went from Kabo and then
23 on to Damara, chasing after Miskine. They were after him 'til they got to Damara, but at
24 that time Miskine had already gone back to Bangui.

25 Q. Do you understand in military terms what a rear base is?

1 A. A rear base ordinarily is located in a small town, not in Bangui -- or rather --

2 THE INTERPRETER: Witness corrects ...

3 THE WITNESS: (Interpretation) -- the rear base was in Bangui.

4 MR HAYNES:

5 Q. You see, I have to suggest to you that General Bozizé's troops occupied Sibut from
6 late October 2002 until February 2003, as all those people said on that video.

7 A. Where?

8 Q. Well, the man who says he was the mayor, for starters.

9 A. Where? When they were in Sibut they were at the Sokambi inn and they would go
10 to Possel, Bambari, Bandoro, but they did not spend much time in Sibut. I have stated
11 very clearly in my testimony that they did not spend much time in Sibut. The
12 Banyamulengue did not find them in Sibut because when they entered the city they were
13 firing in all directions. They were carrying sacks of ammunition, or bags-full of
14 ammunition.

15 Q. You don't think very much of the people who spoke on that videotape, do you,
16 Mr Jude?

17 A. Those people were lying. This whole issue was staged. They were part of the
18 government, they belonged to a political party, and then President Bozizé took power.
19 What were they going to do then? What conduct were they going to adopt? You see,
20 those people today belong to Bozizé's party and will continue to behave in the same
21 manner.

22 Q. Didn't you also suggest to us the other day that they were paid money to say those
23 things?

24 A. To my mind, yes. Any right-thinking, normal person cannot make such a
25 statement. If the inhabitants of Sibut were to find out that these were the type of

1 statements that were made by these people, they would have burnt down their houses.
2 Just think one moment, that people lose their property and others nearby are claiming that
3 nothing happened? That is not normal.

4 Q. That wasn't actually what they were claiming; they were claiming that these things
5 did happen, it was just different people that did it. Did you understand that?

6 A. Malienge himself just said so. Let me inform you that Bozizé just gave him a
7 vehicle for his campaign, and today he's able to drive in a vehicle belonging to Bozizé's
8 political party which is known as the KNK. If Bozizé's rebels had committed any acts of
9 violence, I would have told you so. It is the Banyamulengue who started firing upon
10 their entry into the town until they got to the centre of the city. They were firing
11 Kalashnikovs and all manner of weapons and no one was able to resist them, and the
12 entire population fled into the bush as if they were animals. There was a dark cloud
13 hovering over the city from the morning 'til the evening as they fired in all directions.
14 There were empty casings of ammunition on the ground everywhere in the city, and it
15 looked as if they had been using hunting weapons and the inhabitants of the city
16 appeared to have been using that ammunition to trap or hunt down animals.

17 MR HAYNES: Mr Judes, I have no more questions for you.

18 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

19 Monsieur Judes, I know that you are tired and that you don't like seeing pictures, but I
20 want to show you a picture because I need you to give me one information, if possible.
21 It's the picture that is document 17 of the Defence list, CAR-OTP-0046-0202. Can you see
22 this picture, Monsieur Judes?

23 THE WITNESS: (Interpretation) This is when Bemba arrived in Kanga. They are the
24 inhabitants of Kanga, because Bemba's soldiers were based in that neighbourhood.

25 PRESIDING JUDGE STEINER: Can you explain to me please, Mr Judes, where exactly

1 Kanga is? It's close to the centre of Sibut? It's far from the centre of Sibut? Can you
2 please explain to me?

3 THE WITNESS: (Interpretation) Thank you, your Honour. Kanga, when you leave
4 the cross-roads or the intersection of Sibut and Bombari-Dekoua, on the Dekoua road, it's
5 2 kilometres at the end of the town, 2 kilometres from the town of Sibut, and that is where
6 Bemba's soldiers were based. Here, this is the house of the chief and you can see the sign
7 which indicates it's the Kanga neighbourhood.

8 PRESIDING JUDGE STEINER: You say, "Here, this is the house of the chief." Which
9 chief? Do you know the name of the chief? You remember?

10 THE WITNESS: (Interpretation) I don't know his name, but this is a sign which
11 indicates that it is that locality because in this sector there are several chef de quartier.

12 PRESIDING JUDGE STEINER: Thank you very much, Monsieur Judes.

13 I ask whether Maître Douzima intends to put any questions in redirect?

14 MS DOUZIMA LAWSON: (Interpretation) No, I don't have any, your Honour.

15 PRESIDING JUDGE STEINER: Judge Aluoch.

16 JUDGE ALUOCH: Mr Judes, this lady, the lady that appears in the tape, you've given
17 her name several times and some of the interviews according to you were conducted in
18 her compound. Do you know whether her house was also pillaged? Do you know
19 that?

20 THE WITNESS: (Interpretation) No, her house wasn't pillaged. The man who was
21 killed was opposite her home. That's the only thing, because there's a cross-roads, there's
22 a motel, there's a restaurant and it's a place where people pass through because the
23 footbridge is near her house. From there, from her to the town, it's not very far. She
24 said she had to continue the political fight after the death of her husband. Now she has
25 got her function of mayor back. She was appointed, but it wasn't the choice of the

1 population. They're waiting with impatience to have a vote.

2 JUDGE ALUOCH: Thank you very much.

3 PRESIDING JUDGE STEINER: Maître Douzima, throughout the whole testimony of
4 Monsieur Jude there had been many discussions on the content of his statement and as
5 well on the rectification that you filed. Both documents have redactions, but are filed as
6 confidential. The statement has been filed. Document CAR-V20-0001-0018 was filed in
7 filing 2066-Conf-Anx5-Red2 and the rectification is CAR-V20-0001-0128.

8 My question is whether you have any objection for these documents to be reclassified in
9 their redacted form as public documents, since they were discussed at length in public
10 sessions?

11 MS DOUZIMA LAWSON: (Interpretation) I see no objection to that, to the extent that
12 the victim, or the witness, has asked for no specific protection measures, so I don't see any
13 problem with that, your Honour.

14 PRESIDING JUDGE STEINER: Does the Prosecution have any comment on that?

15 MR ZENELI: I'm just having another quick look at it, Madam President, and I think
16 we're okay also with the reclassification with redactions as applied. Thank you.

17 PRESIDING JUDGE STEINER: Any comment from Defence?

18 MR HAYNES: Not about its reclassification. I'm not aware that any application is
19 being made to tender either of those documents into evidence. If there were such an
20 application, I might have something to say about that.

21 PRESIDING JUDGE STEINER: As far the Chamber is informed there had been no
22 application and, talking about applications for documents to be tendered into evidence, I
23 come now to the Defence list of documents. Documents 4 to 21 are pointed out as
24 documents to be tendered. Documents 5 and 16 have already been tendered by
25 Prosecution. So my question is: Is the Defence tendering these documents into

Trial Hearing
Witness: CAR-V20-PPPP-0002

(Open Session)

ICC-01/05-01/08

1 evidence?

2 MR HAYNES: I kept a careful record of the documents which were used and documents
3 18 and 19 were in fact not used at any time, and so I would apply to tender into evidence
4 documents 4 to 17, 20 and 21. And if it would make matters easier, I could provide the
5 Court Management Service with as it were an amended list, taking out those two
6 documents, so that all the ERN numbers are there without me having to read them out?

7 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. You don't have to read them
8 out, because the Registry has the ERN numbers in your filing.

9 Mr Haynes, for you not to say that you were not given the opportunity to have the last
10 word, and since I put further questions to the witness, my question is do you have
11 anything else to ask from the witness?

12 MR HAYNES: Your Honour, I do not.

13 PRESIDING JUDGE STEINER: Thank you.

14 Mr Witness, today you concluded your testimony. You are free to go back home, but
15 before you leave the Court, Monsieur Judes, I want, as with all other witnesses of this case,
16 to express the thanks of the Court for the time and trouble you have taken to come to this
17 country to give evidence at this trial.

18 In order for the Judges to find the truth, it is crucial that witnesses such as yourself are
19 prepared and willing to give evidence to assist the Judges on the relevant issues of the
20 case.

21 We are aware that this will certainly have been inconvenient for you. You came from too
22 far, you stayed for so many days here in The Hague, far from your family, and we can just
23 thank you very much for that.

24 Before you leave, Monsieur Judes, the Chamber would like to ask whether there is
25 anything you would like to tell us? You have the opportunity now to say anything you

Trial Hearing
Witness: CAR-V20-PPPP-0002

(Open Session)

ICC-01/05-01/08

1 want to say to the Judges. Feel free to speak if you so wish, Monsieur Judes.

2 THE WITNESS: (Interpretation) Thank you, your Honour. For me, this has been
3 really quite an event, to travel to The Netherlands and to give testimony. I would like to
4 express my thanks to the Judges.

5 PRESIDING JUDGE STEINER: Again, we thank you very much, Monsieur Judes. You
6 now leave the Court, and we hope you have a safe journey back to your country.

7 I ask, please, court usher to accompany the witness outside the courtroom.

8 (The witness is excused)

9 PRESIDING JUDGE STEINER: I ask, please, the court officer to order the reclassification
10 of the two documents mentioned; the statement, document 0018, and the rectification 0128
11 be reclassified, the redacted versions, as public.

12 I would like to thank very much the Prosecution team, the legal representative of victims,
13 the Defence team, Mr Jean-Pierre Bemba Gombo. In principle, the parties and
14 participants will have to wait for the Chamber's decision on the next procedural steps in
15 the case, and the parties and participants will be notified very soon about such next steps,
16 procedural steps.

17 I thank very much our interpreters and court reporters. Thanks for the offer of the extra
18 sitting hours that were not necessary at all, and I declare this hearing adjourned.

19 THE COURT USHER: All rise.

20 (The hearing ends in open session at 4.18 p.m.)