

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0075

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 -
5 ICC-01/05-01/08
6 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
7 Judge Kuniko Ozaki
8 Trial Hearing
9 Wednesday, 30 March 2011
10 *(The hearing starts in closed session at 2.35 p.m.) Reclassified as Open session
11 THE COURT USHER: All rise. The International Criminal Court is now in session.
12 Please be seated.
13 THE COURT OFFICER: Good afternoon, your Honours, Madam President. We
14 are in closed session.
15 PRESIDING JUDGE STEINER: Good afternoon. Could, please, the court officer
16 call the case.
17 THE COURT OFFICER: Yes, Madam President. Situation in the Central African
18 Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, case
19 reference ICC-01/05-01/08.
20 PRESIDING JUDGE STEINER: Good afternoon. I would like to welcome
21 Prosecution team, legal representatives of victims, the Defence team, Mr Jean-Pierre
22 Bemba Gombo, our interpreters and court reporters. We are starting today with the
23 questioning of Witness 75 in accordance with oral decision on protective measures
24 issued orally by the Chamber. The witness will be questioned in closed session.
25 Also in accordance with yesterday's decision on special measures, the witness was

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1 granted special measures (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 So taking into account those recommendations, that the Chamber is reminding the

6 parties right now, we're going to start with the questioning of Witness 75 and, for that

7 purpose, I ask please the court usher to bring the witness in.

8 (The witness enters the courtroom)

9 WITNESS: CAR-OTP-PPPP-0075

10 (The witness speaks Sango)

11 PRESIDING JUDGE STEINER: Good afternoon, Madam Witness.

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

13 PRESIDING JUDGE STEINER: You are welcome to this Court, and before we start

14 with your questioning the Chamber needs first you to take the oath. The court usher

15 will facilitate you -- the court officer will facilitate you taking the oath by reading out

16 the words of the oath for you and the Chamber asks you, please, to repeat those

17 words.

18 Court officer, please.

19 THE COURT OFFICER: Yes, Madam President. "I solemnly declare that I will

20 speak the truth ..."

21 THE WITNESS: (Interpretation) Shall say the truth -- the entire truth.

22 THE COURT OFFICER: "... and nothing but the truth."

23 THE WITNESS: (Interpretation) And nothing but the truth.

24 PRESIDING JUDGE STEINER: Thank you, madam. Now that you have taken the

25 oath, can I confirm that you understand what the oath means?

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1 THE WITNESS: (Interpretation) No.

2 PRESIDING JUDGE STEINER: Do you understand that the oath means that you
3 must give answers to the questions asked that are true and accurate to the best of
4 your knowledge and belief?

5 THE WITNESS: (Interpretation) Yes.

6 PRESIDING JUDGE STEINER: Madam, as you will have had explained to you by
7 the Victims and Witnesses Unit's staff during your familiarisation process since
8 arriving in The Hague, you will be questioned by the Prosecution, by the legal
9 representatives of victims and by the Defence.

10 As you know, the Chamber has put in place measures to protect your identity from
11 the public and so you will give the entirety of your evidence in closed session. That
12 means that only the public here in this courtroom can hear what you have to say and
13 can see you. You, therefore, cannot be identified by anyone outside this courtroom.
14 Do you understand that?

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

16 PRESIDING JUDGE STEINER: Do you feel comfortable with these protective
17 measures that the Chamber granted you?

18 THE WITNESS: (Interpretation) Yes, that suits me.

19 PRESIDING JUDGE STEINER: Madam Witness, because we speak different
20 languages, there is interpretation so that we can all understand each other. Because
21 of this, it's important that you speak slower than normal to allow the interpreters to
22 do their job. Because this sometimes can seem unnatural, it may be that you start
23 speeding up and I will have to interrupt you to remind you to slow down. It is
24 purely for practical reasons and should not discourage you from speaking. Do you
25 understand that, madam?

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1 THE WITNESS: (Interpretation) Yes, indeed.

2 PRESIDING JUDGE STEINER: Madam, I have a few questions to put to you.

3 Have you been given the opportunity to read, or have read to you, the statement or
4 statements that you made to the Court?

5 THE WITNESS: (Interpretation) Yes, I did have an opportunity to hear them.

6 PRESIDING JUDGE STEINER: At the time you made such statement, or statements,
7 did you do so voluntarily?

8 THE WITNESS: (Interpretation) It was of my own free will.

9 PRESIDING JUDGE STEINER: Is the information that you provided in your
10 statement, or statements, true and accurate to the best of your knowledge and
11 understanding?

12 THE WITNESS: (Interpretation) Yes.

13 PRESIDING JUDGE STEINER: Before you start being questioned by the
14 Prosecution, do you have any question that you would like to put to the Chamber?

15 THE WITNESS: (Interpretation) No.

16 PRESIDING JUDGE STEINER: Thank you, madam. So now I'll give the floor to
17 the Prosecution to start questioning you. I ask, please, counsel to introduce herself
18 and the Prosecution team for the sake of the record.

19 MS CARL: Thank you, Madam President. My name is Bärbel Carl and I represent
20 the Prosecution today. I am here with: Jean-Jacques Badibanga, trial lawyer; Sanyu
21 Ndagire, legal assistant; and our language assistant, Madeleine Somte. Thank you.

22 QUESTIONED BY MS CARL:

23 Q. Good afternoon, Madam Witness.

24 A. Good afternoon, ma'am.

25 Q. We had the chance to briefly meet on Monday. As I just said, I will be

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- 1 representing the Office of the Prosecutor for the length of your testimony today. I
2 thank you very much for your presence today. I will be asking you questions
3 regarding the events in the Central African Republic from 2002 to 2003.
4 Madam, if at any point you do not understand my questions, or any aspect of the
5 proceedings, please let me know and I will rephrase my questions and provide you
6 with clarifications. If you would like me to repeat any of my questions, please also
7 just let me know. Please take your time to answer each question so you can provide
8 the Judges with a complete account of what you know. Do you understand that,
9 madam?
- 10 A. Yes, I understand perfectly.
- 11 Q. And lastly, Madam Witness, I will be asking you questions such as "When?",
12 "Why?" and "How do you know?" When I do, please be patient and answer them as
13 best as you can. This will assist all of us to understand what you know and how you
14 know it. And please if at any time you need a break, please let Madam President
15 and the Judges know.
- 16 Madam, I will now start asking you questions about your personal details. Can you
17 please state your name?
- 18 A. My name is (Redacted).
- 19 Q. Where were you born?
- 20 A. In Bangui.
- 21 Q. What is your date of birth, madam?
- 22 A. I was born in (Redacted).
- 23 Q. Thank you, madam. And what is your nationality?
- 24 A. I come from (Redacted).
- 25 Q. In which country (Redacted)?

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- 1 A. (Redacted)
- 2 Q. What is your ethnic origin, madam?
- 3 A. I am from the (Redacted).
- 4 Q. Are you married?
- 5 A. (Redacted).
- 6 Q. And do you have children, madam?
- 7 A. I have (Redacted) children.
- 8 Q. What languages do you speak?
- 9 A. I speak Sango.
- 10 Q. Do you speak any other language, madam?
- 11 A. I speak (Redacted).
- 12 Q. And can you also read and write in Sango and (Redacted)?
- 13 A. No.
- 14 Q. Madam, what education do you have?
- 15 A. (Redacted).
- 16 Q. Thank you, madam. What is your current occupation?
- 17 A. (Redacted).
- 18 Q. Where do you live at the moment, madam?
- 19 A. I live in the (Redacted).
- 20 Q. In which city is the (Redacted)?
- 21 A. It is in the 4th arrondissement.
- 22 Q. And this arrondissement is part of which bigger city?
- 23 A. It is just the 4th arrondissement.
- 24 Q. Thank you, madam. And between October 2002 and March 2003 where were
- 25 you living?

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1 A. I was in the (Redacted).

2 Q. Who was living with you at that time?

3 A. (Redacted).

4 Q. (Redacted)

5 A. (Redacted)

6 (Redacted)

7 Q. Thank you, madam. I propose that I ask you now some background questions
8 regarding the events in the Central African Republic between 2002 and 2003. I will
9 then ask you about (Redacted) and I will ask questions about what you
10 witnessed yourself, as well as what you might have heard. I will conclude my
11 questioning with questions about (Redacted), if any, that (Redacted). Is
12 that acceptable to you?

13 A. I have understood you very well and I find that suitable.

14 Q. Madam, I would now like to draw your attention to the events in the Central
15 African Republic between 2002 and 2003. Do you remember what happened in
16 Bangui during that time?

17 A. Yes.

18 Q. Could you please tell us what you remember?

19 A. Yes.

20 Q. Please do so, madam.

21 A. We were in Bangui. At the time, we were in Bangui. When President Bozizé
22 tried to take over, I was in church. This was in the month of October. When
23 President Bozizé tried to take power, I was in the church in the month of October, and
24 I heard gunfire and proceeded back to my house. I took my children with me; we
25 went into my house. I heard the hissing of bullets and there were many stray bullets,

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1 and there were brothers who wanted to take refuge in (Redacted)
2 (Redacted)
3 (Redacted)
4 I was inside my house when a bullet fell into the bedroom of my children. There
5 were many stray bullets all around and, after having noticed that, I took fright. I
6 saw people running from the 4th. They were saying, "The Banyamulengue are
7 pillaging and raping women." By then, it was almost night time, and so I took
8 refuge in a gutter. I covered myself with a blanket and I could hear the bullets going
9 by and I was very afraid. I took my child with me, (Redacted). I put all of my
10 clothing in a bag and I went towards (Redacted). During this flight to
11 (Redacted), I saw the military from my country at PK10, PK10. They gave me
12 advice. They said, "Take refuge behind the hill because some of the stray bullets can
13 reach the children," and they gave me water for my children. This is why we went
14 towards the Sö hill and went down to PK22 and, when we got to PK22, they were
15 already there. We didn't know that. We saw a young man coming in the opposite
16 direction who told us, "Go into the bush because the Banyamulengue are already
17 looting and raping women." And this is why we went into the bush so as to
18 circumvent PK22. (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)
2 (Redacted)
3 (Redacted), and on the following day they were in (Redacted). They
4 were killing the farm animals that belonged to the population, the young goats, the
5 pigs. They had set themselves up at the market. They had looted the goods
6 belonging to the population. They had taken rubber mattresses that they had placed
7 in the trenches and had put together all their weapons. There were very many of
8 them in that locality.
9 On the following day they came to kill the pigs belonging to my father, and my father
10 went to complain to one of their commanders and after that their commander
11 punished them and took their weapons away from them. The commander put them
12 in a house that was being used as a jail, but in spite of that the others continued
13 producing -- committing acts of violence.
14 They even went as far as killing one of the pigs, and on the following day my father
15 decided to go and speak to him. I tried to tell my father not to do so. I told him,
16 "Don't go, you'll be killed," and I tried to persuade him so that he would not go. In
17 the end, I actually spent three weeks - almost a month - there, (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. If you agree, madam, I would now like to go back to some parts of your story,
10 step-by-step, so that we can have more details and clarification what (Redacted)
11 (Redacted)

12 A. Yes, I am.

13 Q. Madam, you said it all started when Bozizé wanted to take power. Who was
14 in power at that time?

15 A. It was Patassé.

16 Q. You said that in October you were at church when you heard shooting. Do
17 you know who was shooting?

18 A. No.

19 Q. You said that from church you went back home and there were stray bullets.
20 Can you remember where these bullets came from?

21 A. No.

22 Q. Madam, the people that were seeking refuge when this shooting was going on,
23 from which direction did they come?

24 A. I do not know. You know, the situation was so difficult, there was so many
25 people in the streets and everybody was just trying to take refuge and save

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1 themselves.

2 Q. You mentioned people telling you that the Banyamulengue were raping and
3 looting. Do you remember where these people came from?

4 A. They were young men and a girl (Redacted). She came from Boy-Rabé to seek
5 refuge (Redacted) and she said, "Look, in Boy-Rabé
6 the Banyamulengue are raping the women and looting."

7 Q. When you say "Banyamulengue," who are you referring to, madam?

8 A. I'm talking about the soldiers who came into our country.

9 Q. Do you know where they came from?

10 A. No.

11 Q. Do you know who was the leader of the Banyamulengue?

12 A. I don't know.

13 Q. Why did the Banyamulengue come to the Central African Republic?

14 A. It was when President Bozizé came to power.

15 Q. Madam, can you explain what the role of the Banyamulengue was at that time?

16 A. We thought that they were coming to protect us. As they had come when the
17 president came to power, we thought they were coming to protect us.

18 Q. To protect you against whom, madam?

19 A. You know, it was when President Bozizé came to power, that was when they
20 came.

21 Q. Can you remember the year when they came?

22 A. They came in the month of October.

23 Q. In which year was this?

24 A. 2002/2003.

25 Q. Thank you, madam. You mentioned a girl (Redacted) that was fleeing from

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1 Boy-Rabé (Redacted), and she was telling you about the raping and looting by the
2 Banyamulengue in Boy-Rabé. Was (Redacted)?

3 A. I don't know.

4 Q. Did you talk to her personally?

5 A. Yes. Yes, we spoke together.

6 Q. Did you speak to anyone else coming from Boy-Rabé?

7 A. Before, there were the young men who were running away from Boy-Rabé but
8 had come from Boy-Rabé so that they could stay with members of their family.

9 They were the young men who said that the Banyamulengue were raping the women
10 and looting the property of other people. And then, afterwards, (Redacted) came and
11 said, well, around Boy-Rabé in the 4th arrondissement when you come in the
12 direction from Boy-Rabé there were women who were being forcibly raped. That's
13 what (Redacted) told me.

14 Q. Madam, you stated before that the day you were at church you heard the
15 shooting and you went back home with your children. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. When you spoke to (Redacted) about what was happening in Boy-Rabé, was that
22 the same day that you left with (Redacted)

23 A. No.

24 Q. When was it, do you remember?

25 A. We left on a Sunday. It was a Sunday.

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1 Q. When you left on that Sunday, did you still hear shooting?

2 A. Yes.

3 Q. Could you see who was shooting?

4 A. No, I couldn't see who was shooting.

5 Q. You said you were hiding in the gutter. Were there other people hiding with
6 you?

7 A. I hid in the gutter, but I wasn't alone. There were also some of my female
8 neighbours with me in the ditch. We spent the night in that ditch.

9 Q. Did you talk to your female neighbours during that night?

10 A. No.

11 Q. While you were hiding, could you observe anything on the streets, on the sides
12 of streets?

13 A. No, we couldn't see anything.

14 Q. You stated before that you went to (Redacted) and on the way, at PK10, you met
15 soldiers on the road, soldiers from your country. Can you describe these
16 soldiers?

17 A. They were soldiers from our country.

18 Q. How do you know they were from your country, madam?

19 A. Because they spoke to us in Sango and they gave us water to give to the
20 children.

21 Q. Did you talk to them personally?

22 A. No, I didn't speak to them. It was when they saw us who suggested that we
23 should hurry up and cross over behind PK10, in the hill, and to take the children
24 behind the hill.

25 Q. Could you please describe how they were dressed, madam?

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1 A. They were wearing military uniforms; the uniform worn by the armed forces of
2 our country.

3 Q. What shoes did they wear, madam?

4 A. Our soldiers usually wear Rangers.

5 Q. What headgear did they wear?

6 A. They were wearing military headgear.

7 Q. Which colour?

8 A. I didn't notice that detail.

9 Q. You said you met these national soldiers at PK10. Did you see them at any
10 other point on your way?

11 A. No.

12 Q. Can you estimate how many soldiers of the Central African Republic you saw
13 at PK10?

14 A. I cannot estimate the number. They were just on the side of the road and they
15 told us which way to go; put us in the right direction so that we could go off into the
16 bush.

17 Q. Were they carrying any weapons?

18 A. Yes, they had weapons.

19 Q. Do you know what kind of weapons these were?

20 A. I don't know anything about weapons. All I can tell you is that they had
21 weapons. I can't tell you what type of weapon it was.

22 Q. Madam, you said these soldiers told you which way to go and they advised you
23 to go behind the hill. Why did they tell you this?

24 A. Because of the stray bullets.

25 Q. Madam, who was fighting there?

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1 A. But the Banyamulengue. It was the Banyamulengue who were shooting.

2 Q. Against whom were the Banyamulengue fighting?

3 A. They were fighting against the soldiers of our country.

4 Q. Were they fighting against the soldiers that you met on the street at PK10?

5 A. Well, they were shooting. I didn't try to find out who was what, or what they
6 were shooting at.

7 Q. Did you see any other group of militaries among the national soldiers that you
8 met on the road?

9 A. I haven't really understood your question.

10 Q. I apologise, madam. I will ask the question a different way. This group of
11 national soldiers that you saw at PK10, were they all from the same group, or were
12 there soldiers --

13 A. The only thing I know is that those soldiers spoke to us in Sango and told us
14 that we should go behind the hill so that the children would not be hit by stray bullets,
15 and so therefore I deduced that they were soldiers from my country.

16 Q. Madam, you said these soldiers gave water to the children and advised you to
17 avoid the stray bullets. What was the behaviour of these national soldiers in general
18 towards the civilian population?

19 A. When we ran away, we ran into them at the level of PK10, and they suggested
20 that we should go behind the hill and they gave us water for the children. That's all
21 they said to us.

22 Q. Thank you, madam. You stated before that after PK10 you followed the road
23 to PK22. Could you please tell us who was with you on that way?

24 A. We didn't run into anyone else. We were running away. We were the ones
25 running away.

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1 Q. I apologise, Madam Witness. I was not clear with my question. What

2 I would like to know is who was running away with you?

3 A. There were lots of other people. I didn't try and find out who was there and

4 who wasn't there.

5 Q. You said that, when you arrived at PK22, the Banyamulengue were there. You

6 said that there were some chasing a chicken and they said, (Redacted) Do you

7 know what (Redacted) means?

8 A. No, I don't understand what it means.

9 Q. Do you know which language that is?

10 A. I don't know that language.

11 Q. Do you remember if they said any other words?

12 A. I didn't try to remember some of the words that they must have said.

13 Q. When they said, (Redacted) what did you think they meant?

14 A. I don't know.

15 Q. Madam, you said (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 Q. (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 Q. (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted) You
- 16 said that (Redacted) you went to (Redacted). How far is
- 17 (Redacted) from PK22?
- 18 A. I think the distance would be (Redacted) kilometres.
- 19 Q. When you arrived in (Redacted) what did you see there?
- 20 A. We arrived at (Redacted) at night.
- 21 Q. Madam, can you give us an estimate how big (Redacted) is?
- 22 A. It is a rather large locality.
- 23 Q. Is it larger than (Redacted)
- 24 A. No, (Redacted) is larger.
- 25 Q. Madam, you said that the Banyamulengue had built their base at the market in

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- 1 (Redacted). How do you know this?
- 2 A. When I got there at night -- well, it was the next day I saw all of that.
- 3 Q. Did you see it with your own eyes?
- 4 A. Yes, I saw them.
- 5 Q. Can you remember how many Banyamulengue you saw there?
- 6 A. There were many of them; I couldn't estimate the number.
- 7 Q. How far were you from the camp, madam?
- 8 A. I have no idea of the distance.
- 9 Q. Can you describe how the Banyamulengue were dressed that you saw there?
- 10 A. The ones who were there were wearing uniforms.
- 11 Q. Can you please describe the uniforms?
- 12 A. The uniforms were green in colour, some were more khaki. Well, they were
- 13 identical to the ones worn by the army in our country.
- 14 Q. How did you differentiate these soldiers from the soldiers of your country,
- 15 madam?
- 16 A. The soldiers of our country spoke Sango. When you saw them, you could
- 17 immediately realise that they were soldiers of our country.
- 18 Q. You said that while you were at (Redacted) you stayed (Redacted)
- 19 (Redacted). How far is this house from the camp?
- 20 A. It is not a very great distance. (Redacted)
- 21 Q. Did you see them, madam?
- 22 A. (No interpretation)
- 23 Q. I haven't received an interpretation.
- 24 THE INTERPRETER: Many apologies from the interpreters. Many apologies from
- 25 the interpreters. Answer from the Sango booth: "Yes, I saw them."

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1 MS CARL: Thank you.

2 Q. Madam, when you saw them, what were they doing?

3 A. They took foam mattresses which they put in the various ditches. They also
4 took domestic animals that they cooked and they fed themselves with that.

5 Q. Where did they take these animals from that they cooked?

6 A. They were goats, chickens, hogs that were being raised by the local people.

7 Q. How did the local people react when they cooked their animals?

8 A. Everyone had already fled, headed into the bush. There were a few
9 inhabitants there, but they were powerless.

10 Q. Why were they powerless, madam?

11 A. But when you're facing an armed person, what can you do?

12 Q. Madam, you said that one day after you arrived they killed the pigs of your
13 father and your father went to complain to the chief of the Banyamulengue. Have
14 you ever seen that chief?

15 A. Yes. When my father went to the place where those hogs were, he went -- he
16 realised that the fence had been broken and that the pigs had been taken away.
17 When he went to the base he also saw that they were cooking these pigs, and then my
18 father went to talk to their leader about it. He spoke to him in Sango and pointed
19 out the animals -- pointing at the animals, and then their leader inflicted punishment
20 on them. They were beaten up.

21 Q. In which language did this chief speak to your father?

22 A. He spoke to them in their language. He was reprimanding them in their
23 language. He, my father, was speaking in Sango. He greeted them in a respectful
24 way, in the military manner, and he said -- he pointed to the animals that were being
25 cooked and he said, "Those animals belong to me."

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1 Q. How do you know that, madam? Were you present?

2 A. Yes, when my father went to them -- you see, their base was not very (Redacted)
3 (Redacted) so I followed him. I followed my father.

4 Q. When your father spoke in Sango to the chief, did the chief understand?

5 A. My father came, he greeted them respectfully in a military way, he touched
6 them and then he approached the animal that was down on the ground and my
7 father made it known to them that the animal on the ground belonged to him. He
8 spoke in Sango and the leader spoke to his soldiers in their language.

9 Q. The language that he spoke to his soldiers, was it the same language that the
10 soldiers at PK22 spoke?

11 A. Yes, it was the same language.

12 Q. You mentioned before that the soldiers that had killed your father's pigs were
13 punished. How many of them were punished?

14 A. When my father greeted him respectfully, he acquiesced and my father went
15 close to the animal, touched the animal and gave him to understand that the animal
16 belonged to him. The animal belonged to him, "You must speak to your soldiers,"
17 and so the leader turned around and spoke in their language. We couldn't
18 understand what he was saying. Then he took away their weapons and told them to
19 go into a place at the camp and he beat them up, and then we went back home.

20 MS CARL: Thank you, Madam Witness. Madam President, with your leave, I
21 have finished this part, so if you -- maybe we could take a break now? Thanks.

22 PRESIDING JUDGE STEINER: Madam Witness, we are having now a break, a
23 half-an-hour break, in order for you to take some time for yourself to rest a little bit.

24 THE WITNESS: Merci.

25 PRESIDING JUDGE STEINER: We will suspend now the hearing and we'll be back

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1 at 5 o'clock. I ask, please, the court usher to take the witness outside the courtroom.

2 (The witness stands down)

3 THE COURT OFFICER: All rise.

4 (Recess taken at 4.22 p.m.)

5 *(Upon resuming in closed session at 5.03 p.m.) Reclassified as Open session

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

7 PRESIDING JUDGE STEINER: Welcome back. We will continue with the questioning
8 of Witness 75 by the Prosecution. I just notice the (Redacted).

9 You are always welcome to this courtroom. Could, please, the court usher bring the
10 witness in.

11 (The witness enters the courtroom)

12 PRESIDING JUDGE STEINER: Madam Witness, welcome back.

13 THE WITNESS: (Interpretation) Thank you very much, your Honour.

14 PRESIDING JUDGE STEINER: Did you manage to rest a little bit?

15 THE WITNESS: (Interpretation) Yes.

16 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony,
17 madam?

18 THE WITNESS: (Interpretation) Yes.

19 PRESIDING JUDGE STEINER: Thank you, madam. I want to remind you that if, at
20 any time, you feel tired or distressed, or for any reason you want a break, just let us know
21 and we will suspend the hearing in order for you to take a break. Is that fine with you?

22 THE WITNESS: (Interpretation) Yes, it does.

23 PRESIDING JUDGE STEINER: So I'm giving the floor to Ms Carl, you can continue.

24 MS CARL: Thank you, Madam President.

25 Q. Welcome back, Madam Witness.

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ICC-01/05-01/08

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ICC-01/05-01/08

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Trial Hearing

(Closed Session)

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Witness: CAR-OTP-PPPP-0075

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Witness: CAR-OTP-PPPP-0075

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Trial Hearing
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13 (Redacted)

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17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. Yes, I am a member of an association.

21 Q. What is the name of this association?

22 A. OCODEFAD.

23 Q. How did you become a member of OCODEFAD?

24 A. After the events, I heard about this organisation and I decided to become a member

25 of it.

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Witness: CAR-OTP-PPPP-0075

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Trial Hearing
Witness: CAR-OTP-PPPP-0075

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1 A. (Redacted)

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7 (Redacted)

8 Q. Thank you, Madam Witness. I have only one last question for you. You

9 previously gave a statement to the investigators of the Prosecution in May 2009. Do you

10 agree that this is admitted into evidence, madam?

11 A. Yes.

12 MS CARL: Thank you very much for your answers and for your cooperation, Madam

13 Witness.

14 Madam President, your Honours, the Prosecution finishes with the examination-in-chief.

15 Thank you.

16 PRESIDING JUDGE STEINER: Thank you very much, Ms Carl. Before I give the floor

17 to Maître Douzima, I would like to put to the witness two follow-up questions.

18 Madam, when the Prosecutor asked you (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0075

(Closed Session)

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10 (Redacted)

11 PRESIDING JUDGE STEINER: Thank you very much, madam. Madam Witness, the
12 legal representative of victims, Maître Marie-Edith Douzima, would like to put to you
13 some questions. Are you still feeling comfortable to continue for a little bit longer, in
14 order to allow the legal representative to put to you questions?

15 THE WITNESS: (Interpretation) Yes.

16 PRESIDING JUDGE STEINER: Thank you, madam. Maître Douzima, you have the
17 floor.

18 MS DOUZIMA: Thank you, your Honour.

19 QUESTIONED BY MS DOUZIMA: (Interpretation)

20 Q. Good evening, witness.

21 A. Good evening.

22 Q. Witness, I will introduce myself to you once again. I am Marie-Edith Douzima,
23 and I am a legal representative of victims in this trial with my colleague Mr Zarambaud
24 Assingambi. We are the legal representatives, (Redacted)

25 (Redacted) I would like to ask you some questions, just to shed light on a

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1 number of matters and statements that you made so that the Court can have a greater
2 knowledge of the events that have led to this trial and our being here.

3 I'll be asking you some questions about your statements that you made to the
4 investigators in May 2009 and, also, I'll be asking you about the explanations that you
5 provided here during this hearing. Do you understand me?

6 A. Yes, I understand you.

7 Q. Thank you, ma'am. I would like to begin by asking you for some additional
8 information about one particular date, and the reference is CAR-OTP-0052-0132, and I'm
9 referring to part of your statement, the statement that you gave during the investigation in
10 2009. You said on 26 October you were at the church when you heard the first shots.
11 Where is this church located?

12 A. That church is found close to (Redacted).

13 Q. And where were the shots coming from?

14 A. I don't know.

15 Q. And what time of day was it?

16 A. I don't remember the exact time, but that day I was still at church when I heard the
17 gunshots.

18 Q. Now, going back to this date, 26 October, do you remember the day of the week that
19 it was, on that date, 26 October?

20 A. It was a Friday.

21 Q. Now, does that date correspond to the arrival of the Banyamulengue in your
22 neighbourhood?

23 A. Yes.

24 Q. I would now like to hark back to one of your statements made during the hearing,
25 and this is the real-time transcript, today's hearing, page 7, line 15. You stated that you

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1 spoke only Sango and (Redacted). I would like to know whether --

2 PRESIDING JUDGE STEINER: I'm sorry, Maître Douzima. Mr Haynes.

3 MR HAYNES: I allowed the last one to pass, but there was no notice of the question
4 that's about to be asked. There was no notice of the last question that was asked, but
5 there's certainly no notice within the practice we're supposed to be adopting, that the legal
6 representatives should give notice of the questions they're asking of this question that's
7 coming. So I'd like to know what it is.

8 PRESIDING JUDGE STEINER: In principle, I agree with you, but the legal
9 representatives are entitled, as anyone else, to put questions related to the transcripts. It
10 was not possible to guess what would be in the transcripts.

11 MR HAYNES: No, but it was possible to notify the Defence and other parties that it was
12 proposed to ask the question before we reached this stage of the proceedings. I could
13 have just been told or emailed.

14 PRESIDING JUDGE STEINER: Maître Haynes, I would like you to think on reasonable
15 grounds if the witness has just finished her questioning by the Prosecution, how could it
16 be possible the legal representative notify the parties about the questions the legal
17 representative was going to put related to today's transcript?

18 MR HAYNES: I don't want to get into an unseemly argument, but it could have been
19 done in the last break.

20 PRESIDING JUDGE STEINER: You can proceed, Maître Douzima.

21 MS DOUZIMA-LAWSON: (Interpretation) Thank you, your Honour. I will ask my
22 question once again.

23 Q. Now, I was saying, Witness, that at page 7, line 15, I'm making reference to the
24 statements that you made today, now, you said that you speak Sango and (Redacted). I
25 would like to know whether you speak only those languages.

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1 A. Yes, I speak only those languages.

2 Q. Do you understand French?

3 A. No, I don't understand French well.

4 Q. Now, you said that you don't understand French well, but if someone speaks French
5 can you recognise it as being French?

6 A. Yes, I can understand, to know that that is French.

7 Q. Now, when someone is speaking another language, and I'll give an
8 example - Lingala - would you be in a position to determine whether it is Lingala being
9 spoken?

10 PRESIDING JUDGE STEINER: Madam Witness. Maître Liriss.

11 MR LIRISS: (Interpretation) Your Honour, I think that this is a leading question. At
12 no point during her testimony did the witness speak of French or Lingala. She
13 mentioned a language that she does not know, so I'm of the opinion, myself, that this
14 question must be rephrased.

15 In actual fact, what the -- the attempt here is to suggest to the witness that (Redacted)
16 spoke that language. Furthermore, the witness clearly said that she only knows two
17 languages.

18 PRESIDING JUDGE STEINER: Judge Joyce Aluoch.

19 JUDGE ALUOCH: Ms Douzima, when I look at the transcript -- sorry, when I look at the
20 written statement of the witness, in the English translation, maybe I suppose you are
21 reading the French translation, but it's -- whereas the witness didn't talk about Lingala in
22 her testimony - that is, in the real-time transcript - there are several references of this in
23 the written statement. So I don't know whether in your questioning you are relying on
24 the real-time transcript or on the written statement. Maybe that's why Mr Liriss is
25 objecting, because -- yes.

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1 MS DOUZIMA-LAWSON: (Interpretation) I thank you, your Honour. Indeed, I
2 asked that question so that I could get to that particular point. And in my introductory
3 remarks, I said I was going to be asking questions about both her statements made during
4 the investigation in 2009, and about her remarks or her statements during today's hearings.
5 And I had got to that point. In some of the statements, written statements from the
6 witness, she did speak of Lingala. And so that is what I was driving at, your Honour.

7 PRESIDING JUDGE STEINER: Maître Douzima, at this point, I'm afraid I have to agree
8 with Mr Haynes, because in your filing 1279, corrigendum of 2 March 2011, you have
9 proposed to the Chamber the questions you intended to put to the witness and these were
10 the questions approved by the Chamber.

11 According to the Chamber's decision 1023 of November 2010, the victims may at the end
12 of the questioning by the Prosecution request leave to ask questions in addition to those
13 questions filed in the application as set out in the paragraph above. Such a request must
14 explain both the nature and the details of the proposed questioning, as well as specify in
15 what way the personal interests of the victims are affected, in compliance with the
16 conditions of Rule 91 of the Rules.

17 So the possibility open for legal representatives to put to the witness questions that are a
18 consequence of the questioning by the Prosecution in the transcript is one thing. In
19 relation to new questions, I think legal representatives should ask permission in advance
20 to the Chamber and the Chamber will analyse the relevance and the pertinence of the
21 questions on a case-by-case basis. So I would very much - the Chamber would very
22 much - appreciate if the legal representatives follow the rules. You can proceed.

23 MS DOUZIMA-LAWSON: (Interpretation) I thank you, your Honour. I shall
24 continue.

25 Q. If I refer to CAR-OTP-0052-0114, Witness, you said that (Redacted)

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1 (Redacted). Now, did you

2 know whether the Banyamulengue had also got to those places?

3 A. No.

4 Q. When you said that the Banyamulengue were wearing military uniforms like those
5 of the Central African soldiers, and I'm making reference to CAR-OTP-0052-0136, could
6 you describe these uniforms, or at least the colour of these uniforms, or this military
7 clothing?

8 A. They were uniforms that the soldiers of our country usually wore.

9 Q. You don't have any idea as to the colour?

10 A. They were green, mixed with khaki colour.

11 Q. And what kind of shoes, or boots, were they wearing?

12 A. They were wearing Ranger boots like the soldiers of our country.

13 Q. Were they also wearing berets like the soldiers of your country?

14 A. I wasn't trying to check what kind of headwear they had, or the colour. I
15 realised -- well, I just noticed the uniforms that they were wearing and then I dropped my
16 head and I went along my way.

17 Q. You said -- and the reference is CAR-OTP-0052-0143. You said that you saw some
18 vehicles loaded with various food stuffs that had gone to the camp and other vehicles
19 were taking troops in the direction of Damara. How did you know that the people
20 driving those vehicles were Banyamulengue?

21 A. They were in their vehicles when we were in (Redacted) and those vehicles were
22 transporting food that they left there and they were speaking a language that we did not
23 understand.

24 Q. I'd like to return to today's transcript. You said, page 19, lines 1 to 2, that (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

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11 Q. The Prosecutor asked you a question, and I make reference to page 7, lines 24 to 28,
12 and she wanted to know which town the 4th arrondissement was located in, and at page 8,
13 line 1, you replied saying that it is just known as the 4th arrondissement. Could you be
14 more specific? Could you tell the Court -- and I hope that no one will say that this is a
15 leading question. Now, is the 4th arrondissement to be found in Bangui?

16 A. Yes, the 4th arrondissement is found in the town of Bangui.

17 MS DOUZIMA-LAWSON: (Interpretation) I thank you, ma'am. Your Honour, I have
18 concluded.

19 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima. Judge Joyce
20 Aluoch has some follow-up questions to put to the witness.

21 JUDGE ALUOCH: Just one or two questions for clarification, Madam Witness. I'm
22 looking at your written statement. This is CAR-OTP -- this is the English translation.

23 CAR-OTP-0039-0409. (Redacted)

24 (Redacted)

25 (Redacted)

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21 (Redacted)

22 (Redacted)

23 JUDGE ALUOCH: Okay, I will stop it there for now. Thank you.

24 PRESIDING JUDGE STEINER: Thank you, Judge Aluoch. I have one last question to
25 you, madam, and then you'll be free to go to your hotel, to have dinner, to take some rest.

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1 (Redacted)

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7 PRESIDING JUDGE STEINER: Thank you very much, madam, for these clarifications.

8 We still have half-an-hour. My question is whether Defence is prepared to start?

9 MR HAYNES: I'll put you in the picture. I won't finish tonight with this witness, but I
10 will finish easily tomorrow, whether or not I start tonight. So I'm in your hands and the
11 hands of the witness. I'm prepared to start, but there's no danger that losing
12 half-an-hour tonight will mean the witness is here for any longer.

13 PRESIDING JUDGE STEINER: I thank very much the Defence for its availability. Since
14 we had longer sessions today, instead of having one-and-a-half hours, followed by a
15 half-hour break, we have two hours in a row, and now we've been for one-and-a-half
16 hours, I think it's time for us to give Madam Witness some rest. So we are going to
17 adjourn.

18 Madam, we thank you very, very much for your availability and for staying with us for
19 almost four hours. Tomorrow we will continue. The Defence will put some questions to
20 you, so we hope that you are able to take some rest and to spend a very, very nice
21 evening.

22 I ask, please, the court usher to take the witness outside the courtroom.

23 (The witness stands down)

24 PRESIDING JUDGE STEINER: Court officer, could we please go into open session.

25 (Open session at 6.34 p.m.)

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(Open Session)

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

2 PRESIDING JUDGE STEINER: Thank you very much. I wanted to inform the parties
3 that tomorrow - parties and participants, I'm sorry - that tomorrow, since the hearings of
4 Trial Chamber II were cancelled, we are sitting the normal hours from 9.30 to 4 in this
5 courtroom, instead of having just the afternoon hearing. So we are going to adjourn.

6 I thank very much the Prosecution team, the legal representatives of victims, the Defence
7 team, Mr Jean-Pierre Bemba Gombo. Thank you very much for our interpreters and
8 court reporters. We are adjourning this session and resuming tomorrow morning at 9.30.

9 The session is adjourned.

10 THE COURT USHER: All rise.

11 (The hearing ends at 6.36 p.m.)

12 CORRECTIONS REPORT:

13 The Court Interpretation and Translation Section has made the following corrections
14 in the transcript:

15 * Page 7 line 3:

16 "A. (Redacted) Is corrected by

17 "A. (Redacted)

18 * Page 29 line 18:

19 (Redacted) Is corrected by

20 (Redacted)

21 RECLASSIFICATION REPORT

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

23 ICC-01/05-01/08-3038 and the instructions in the email dated 6 February 2014, the

24 version of the transcript with its redactions becomes Public