

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 - ICC-01/05-01/08
- 5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
- 6 Judge Kuniko Ozaki
- 7 Trial Hearing
- 8 Thursday, 31 March 2011
- 9 *(The hearing starts in closed session at 9.34 a.m.) Reclassified as Open session
- 10 THE COURT USHER: All rise. The International Criminal Court is now in session.
- 11 Please be seated.
- 12 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
- 13 in closed session.
- 14 PRESIDING JUDGE STEINER: Good morning. Could, please, the court officer call
- 15 the case.
- 16 THE COURT OFFICER: Yes, Madam President. The situation in the Central
- 17 African Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, case
- 18 reference ICC-01/05-01/08.
- 19 PRESIDING JUDGE STEINER: Thank you very much. Good morning to everyone.
- 20 Welcome the Prosecution team, the legal representatives of victims, the Defence team,
- 21 Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters and court
- 22 reporters. We will continue today with the questioning of Witness 75 and it's going
- 23 to be Defence questioning. For that purpose I ask, please, the court usher to bring
- 24 the witness in.
- 25 (The witness enters the courtroom)

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1 WITNESS: CAR-OTP-PPPP-0075 (On former oath)

2 (The witness speaks Sango)

3 PRESIDING JUDGE STEINER: Good morning, Madam Witness.

4 THE WITNESS: (Interpretation) Thank you.

5 PRESIDING JUDGE STEINER: Did you manage to rest during the night?

6 THE WITNESS: (Interpretation) Yes, I was able to rest.

7 PRESIDING JUDGE STEINER: Are you feeling well and able to continue giving
8 your testimony?

9 THE WITNESS: (Interpretation) Yes, I feel well.

10 PRESIDING JUDGE STEINER: Madam, I would like first to remind you that you are
11 still under oath. Do you understand that, madam?

12 THE WITNESS: (Interpretation) Yes.

13 PRESIDING JUDGE STEINER: I would also like to remind you that you are under
14 protective measures. We are having this hearing in closed session, which means
15 only the people that are in this courtroom can see you and hear you. Your testimony
16 is not being broadcast outside the courtroom. I also would like to remind you that if,
17 at any time, you feel tired, you feel distressed or for any reason you need a break, just
18 let us know and you will have as many breaks as you need. Do you understand that,
19 madam?

20 THE WITNESS: (Interpretation) Yes, I understand you.

21 PRESIDING JUDGE STEINER: Madam, today the Defence will start putting some
22 questions to you and, for that purpose, I give the floor to Mr Haynes. You have the
23 floor, Mr Haynes.

24 MR HAYNES: Thank you, Madam President, and good morning.

25 QUESTIONED BY MR HAYNES:

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1 Q. Good morning to you, madam.

2 A. Merci.

3 Q. If I may say so, you have been answering questions very concisely and with
4 consideration, and if you continue to do that this morning I think we will finish your
5 testimony this morning. I hope that makes you happy.

6 A. Yes, I can continue and shall be concise.

7 Q. I didn't -- sorry. It's my fault. Okay. Now, I want you -- I want to take you
8 back, please, to the very beginning of these events. You said yesterday that the
9 fighting in your area began on 26 October. Do you have a reason to recall that date,
10 in particular?

11 A. On that day we were in church.

12 Q. And was that the first fighting that you were aware of in your area?

13 A. We had heard about fighting, that was when we were in the church, but the first
14 time we heard about fighting was on 25 October.

15 Q. Thank you very much. But on the 25th, you hadn't heard any gunshots or
16 explosions; is that right?

17 A. On that day we were in the church and, when we heard the gunfire, we rushed
18 off home.

19 Q. Thank you. And were you able to tell where the gunfire was taking place?

20 A. I didn't know where the fire was coming from.

21 Q. Okay. Now, (Redacted), isn't it?

22 A. Yes.

23 Q. And how far is (Redacted) from Boy-Rabé?

24 A. I have no idea of the distance, but I think it's (Redacted) district.

25 Q. Okay, so they're (Redacted)?

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- 1 A. Yes.
- 2 Q. And is (Redacted) about (Redacted) kilometres from the centre of Bangui?
- 3 A. I don't know at all. I think from the centre of Bangui to (Redacted) it's quite a
- 4 long distance.
- 5 Q. Very well. Do you ever visit the centre of Bangui?
- 6 A. Yes, I often go to the city centre.
- 7 Q. And when you go there do you go there on foot, or by some other method?
- 8 A. I go in a vehicle.
- 9 Q. And how long does it take to get there?
- 10 A. I don't know at all.
- 11 Q. Very well. Now, the day that you left (Redacted) you recall as being a Sunday.
- 12 How many days was it after you were in church that you left (Redacted)?
- 13 A. After I went home from the church, I took (Redacted) on the Saturday and on
- 14 the next Sunday I went to (Redacted).
- 15 Q. So was it two days after you were in church that you left (Redacted)?
- 16 A. Yes.
- 17 Q. And what time of day did you leave?
- 18 A. I didn't try to find out what time it was. I think it was in the morning, but I
- 19 didn't try to take note of the time.
- 20 Q. That's okay, but did you walk to (Redacted) in one day from (Redacted)?
- 21 A. No, I didn't spend all night on the road.
- 22 Q. I'm sorry, madam, it's my fault. Let me put it another way. Did you arrive in
- 23 (Redacted) at your parents' house, on the same day that you left (Redacted)?
- 24 A. Yes.
- 25 Q. So, according to you, you were in (Redacted) on the evening of 28 October; is

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1 that right?

2 A. I can't remember very well.

3 Q. Well, I don't want to labour the point, but if you were in church on the 26th, and
4 you left (Redacted) two days later, that must have been the 28th, mustn't it?

5 A. Now, the date I remember was the date when I was in the church on the 25th,
6 but the idea of remembering the date when I left, well, I can't remember what date it
7 was.

8 Q. Okay. Now, after you left (Redacted), how long did it take you to get to PK10?

9 A. I don't know.

10 Q. How far is PK10 from (Redacted)?

11 A. It's a big distance.

12 Q. When you arrived there, was it still light?

13 A. To go where? I'm sorry, I can't understand your question.

14 Q. Then I apologise. When you arrived in PK10, can you remember whether it
15 was in the morning or the afternoon?

16 A. It was in the morning for PK10.

17 Q. Thank you. And did you take the road to PK10?

18 A. Yes, we crossed the district, we got to (Redacted) and we took the main road.

19 Q. And is that the (Redacted) road?

20 A. Yes.

21 Q. And on the road to PK10, did you see any armed men?

22 A. When we reached PK10, there were armed soldiers there.

23 Q. I apologise again; it was my fault. Before you got to PK10, did you see any
24 armed men on the road?

25 A. Well, there were soldiers, but before reaching PK10 we didn't see any of these

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1 men. We met them once we got to PK10 and they told us which way to go.

2 Q. Thank you very much. I know it is difficult, but approximately how many
3 soldiers did you see on the road in PK10?

4 A. They were at PK10 and I didn't count them.

5 Q. Were they all on foot, or were some of them in a vehicle?

6 A. Some were in vehicles, going by.

7 Q. And in which direction were they going? Were they going towards Bangui, or
8 away from Bangui?

9 A. They were going to PK12.

10 Q. Thank you. The ones that you spoke to, were they on foot?

11 A. The one who spoke to us was on foot. There were also others who were on
12 board a vehicle.

13 Q. The one you spoke to, was he part of a group of soldiers?

14 A. What group of soldiers are you talking about?

15 Q. The man who spoke to you, was he on his own, or was he with other soldiers?

16 A. He was a soldier and he was by the road and others were near PK12. I didn't
17 see how many they were. He asked us to move away. That's what I understood.

18 Q. Okay. Now, the soldiers you saw at PK10, were they all dressed in the same
19 way?

20 A. They were wearing military dress.

21 Q. And I know you've been asked this question before, but what do you mean by
22 "military dress"? What were they wearing on the top of their bodies? What were
23 they wearing on the bottom half of their bodies?

24 A. Well, it was the same colour. It was -- the clothing was green, a little bit
25 camouflage and khaki-coloured; the sort of clothes that soldiers were.

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1 Q. Okay. And could you see whether they were all wearing Ranger boots?

2 A. Yes.

3 Q. And did you notice whether any of them had insignia on their uniforms to
4 indicate their rank, or the unit they were a part of?

5 A. I didn't try to see that. I was rushing away, trying to get as far away as I could.

6 Q. Okay. Did you only speak to one of them?

7 A. I didn't speak to them. They were the ones who told us which way to go.
8 They told us to go in a particular direction, or to take a particular path.

9 Q. I'm sorry, madam. I'm not trying to upset you. So only one of them spoke to
10 you, or did more than one of them speak to you?

11 A. It was the one who was more -- who was closer to us. He was the one who
12 spoke to us.

13 Q. Thank you. Now, after you walked away from these soldiers, did you pass
14 through PK12?

15 A. PK10 is well before that. After the hill, it's not possible to go through PK12.
16 You go out after PK12, going alongside the hill.

17 Q. Thank you. How far were you from PK12 on the way to PK22?

18 A. I didn't try to figure that out.

19 Q. Could you see PK12 from the path you took?

20 A. PK12 is more advanced and PK10 is towards the bottom.

21 PRESIDING JUDGE STEINER: Mr Haynes, I'm sorry. Could you help me in the
22 reference on which part of her statement she mentioned PK22, because now I am
23 getting confused, because I understood that she was going to PK10 and now you are
24 talking about PK22? I don't know whether she's confused or I am the only one
25 confused here.

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1 MR HAYNES: Well, unless I have completely misunderstood her statement and her
2 evidence before this Court, (Redacted). She stops at
3 PK10 and meets the soldiers, and then she walks to PK22 (Redacted). The first
4 reference in her statement is at English reference 0389 to 0390.

5 PRESIDING JUDGE STEINER: Thank you very much.

6 MR HAYNES:

7 Q. On your way to PK22, did you hear the sounds of any gunfire or fighting?

8 Madam, did you hear my last question?

9 A. I didn't hear you properly.

10 Q. That's all right. On your way to PK22, did you hear the noise of any gunfire or
11 fighting?

12 A. I heard the sound of several gunshots.

13 Q. But before you reached PK22, did you see any soldiers?

14 A. When we were over by the hill, is that what you're talking about?

15 Q. Yes, madam, that's what I'm talking about.

16 A. No. Behind the hill we did not meet any soldiers.

17 Q. And the gunfire that you heard, was it coming from a long way away?

18 A. When we were leaving we were leaving with the sound of gunfire, but we
19 didn't know where the shots were coming from.

20 Q. Thank you. Can you remember how long it took to get from PK10 to PK22?

21 A. I have no idea of how long it took in terms of minutes.

22 Q. Who were you travelling with on the way from PK10 to PK22?

23 A. There were many people who were fleeing. I wasn't trying to identify who
24 was in the crowd.

25 Q. That's fine but, when you got to PK22, was it in the afternoon?

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1 A. When we got to PK22, the situation was *already settling down a bit.

2 Q. What is at PK22? Is it a village, or a town or just a point on the road?

3 A. It is a small locality.

4 Q. And what could you see as you approached PK22?

5 A. When we got -- when we went behind the hill and we came out by way of the
6 road, we met a young man and there were soldiers in front of us. We saw them, but
7 we couldn't draw close to them, so he told us to take the path through, or the way
8 through, the bush.

9 Q. How far away were the soldiers when you saw them?

10 A. I have no idea with regard to the distances. What I do know is that when we
11 came out onto the main road, we saw them at a distance; and it was only after, that is
12 when the boy spoke to us and we decided to go away.

13 Q. Okay. And how many soldiers, approximately, could you see?

14 A. I didn't try to make out how many of them there were.

15 Q. And did you have the chance to see how they were dressed?

16 A. They were wearing the same military clothing as the soldiers of our country.

17 Q. Now, the boy that you spoke to, what had he been doing for the soldiers?

18 A. We weren't the ones who spoke to him. We were fleeing and we wanted to
19 keep on going by way of the main road, and he was coming from the other way,
20 covered in blood, and he wanted to go get some water. And that was when he said
21 to us, he advised us to take the path through the bush. "Well, listen ...", he said, "...
22 they're looting, they're raping people. It would be better - it would be safer - for you
23 to go through the bush".

24 Q. Why was he covered in blood?

25 A. He told us that those soldiers had taken him by force and he was the one who

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1 had been killing the animals and cooking them, so he himself, he didn't know how to
2 get away and get out of this situation. That's why he just told us to go through the
3 bush.

4 Q. Did he tell you for how long he had been killing animals and cooking them for
5 these soldiers?

6 A. We didn't try to get all those details.

7 Q. I want to ask you about something you said in your interview, and the English
8 reference is CAR-OTP-0039-0404. You were asked, "You mentioned that the
9 Banyamulengue were on the road. How were they travelling on the road?", and you
10 said, "They were carried there by car. Some were posted in PK22 and were moving
11 around, taking things from people they met on the road." How did you get the
12 impression that these soldiers had been posted in PK22 and what did you mean by
13 "posted"?

14 A. Yes, but that was a statement I made, "How was it that they came to be there?"

15 Q. Well, it was a statement that you made and I want to know what you meant by
16 it. Why did you tell the investigators that these soldiers were posted in PK22?

17 A. I had spoken in Sango. I said -- I used the verb (Redacted). They were put
18 there. Did they say "postés" in French? What I said, I said that in Sango.

19 Q. Did you form the impression that these soldiers had been in PK22 for some time
20 before you got there?

21 A. I didn't try to find that out.

22 Q. Very well. Now, because of what this boy told you, you went off the road and
23 into the bush. (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q.

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13 Page 11 Redacted

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1 Q. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. How many people were you with at that time?

9 A. After hearing what the man said, we were in a group. Each person went off in
10 his or her own way. I was going towards (Redacted) and I wanted to take the
11 way - the path - that the young man had told me to take so that I could get there. I
12 wanted to take a shortcut, and there was also some young people who were ahead of
13 me and they too were going to their own particular destination.

14 Q. (Redacted)

15 (Redacted)

16 (Redacted)

17 (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 (Redacted)

10 Q. And you didn't know what language they were speaking; is that correct?

11 A. That is quite so.

12 Q. Well, I want to come back to a question you were asked yesterday. If you
13 didn't know what language they were speaking, how did it come about that you told
14 the investigators for the Office of the Prosecutor that it was Lingala?

15 A. Well, if I said that, the reason is that in my country - in our country - it was
16 widely known that people from the other side of the river spoke Lingala. So when I
17 was asked the question, my answer was "They were speaking Lingala," but I cannot
18 understand Lingala.

19 Q. So you said that because somebody told you that these people spoke Lingala; is
20 that right?

21 A. Yes, because everybody was saying that it was Lingala and this is how I
22 understood myself that the language was Lingala. And so when I was asked that
23 question, I said "It was Lingala."

24 Q. When you say "everybody was saying that the language was Lingala," who is
25 "everybody"?

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1 A. I don't think I said that everybody was speaking because, you see, before that
2 they had already arrived in our country and they were speaking Lingala and people
3 knew they were speaking Lingala.

4 Q. Is there any particular person you can identify to us who told you that the
5 language they spoke was Lingala?

6 A. I have no name to give you. In our country, they were there, they were in our
7 country, and some of them were shoe polishers, shoe menders, did odd jobs here and
8 there, and these were people of whom it was known that they spoke Lingala. For
9 instance, people say in my country that the people from Zaire speak Lingala, and this
10 is why I used that word.

11 Q. Have you ever met a Zairean shoe polisher?

12 A. There are very many of them (Redacted). Many of them, for instance, mended
13 shoes.

14 Q. So are you now saying you recognised the language when they spoke because
15 you knew some Zairean shoe polishers?

16 A. Yes.

17 Q. Then why have you never said that before?

18 A. But the question had never been put to me in those terms. I have given you
19 this answer because you have asked me that question.

20 Q. Very well. What time was it when you reached (Redacted)?

21 A. I don't know exactly the time it was, but it was already dark.

22 Q. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. Did you speak to your father the day you went to see the chief about his stolen

19 pigs?

20 A. (Redacted)

21 (Redacted) Now, talking about my father when he went to see the

22 chief, he went there in order to complain because of what was happening to his

23 animals who had been killed.

24 Q. (Redacted)

25 (Redacted)

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1 Q. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. Thank you. The people at the camp in (Redacted) you first saw on the

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1 morning after your arrival, did you get the impression that the camp there was
2 well-established by then?

3 A. But this was where the women would peddle their wares. These were stalls or
4 stands by the road, and this is where they set up their base and this is why I call that
5 their camp. I consider that to be their camp.

6 Q. And how many soldiers, approximately, were at that camp the day after you
7 arrived at your parents' house?

8 A. There were many of them. I didn't try to count them.

9 Q. And did it appear to you that they had been there for some time?

10 A. I have no idea when they got there. It was only on the following day that I saw
11 them, and I didn't try to find out when they had gotten there.

12 Q. Your parents didn't tell you during three weeks of living with them how long
13 the soldiers had been there?

14 A. I didn't ask. I didn't try to get that information. As a matter of fact, I never
15 asked them any questions concerning that.

16 MR HAYNES: Very well. Madam, I have one short discrete topic which will take a
17 little more than five minutes, but if this is a convenient moment we could take the
18 break now.

19 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. Madam Witness, we are
20 having a break, a half-an-hour break, in order for you to take some rest. We will
21 suspend now the hearing and we will --

22 THE WITNESS: Merci.

23 PRESIDING JUDGE STEINER: We will suspend now the hearing and we'll resume
24 at 11.30. I will ask the court usher to escort you outside the courtroom.

25 (The witness stands down)

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1 THE COURT OFFICER: All rise.

2 (Recess taken at 10.56 a.m.)

3 *(Upon resuming in closed session at 11.33 a.m.) Reclassified as Open session

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

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

7 (The witness enters the courtroom)

8 PRESIDING JUDGE STEINER: Welcome back, Madam Witness.

9 THE WITNESS: (Interpretation) Thank you.

10 PRESIDING JUDGE STEINER: Did you manage to rest a little bit during the break?

11 THE WITNESS: (Interpretation) Yes, I had a good rest.

12 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?

13 THE WITNESS: (Interpretation) Yes.

14 PRESIDING JUDGE STEINER: So I'm giving back the floor to Mr Haynes.

15 MR HAYNES:

16 Q. Madam, I promised you we would finish this morning. There are 25 minutes
17 left of this morning, and I think I will be good to my promise. So we're very near the
18 end now, you will be pleased to hear.

19 PRESIDING JUDGE STEINER: This is really good news, but you have more than
20 25 minutes.

21 MR HAYNES: I was taking "noon" to be the end of morning, rather than the
22 morning session.

23 PRESIDING JUDGE STEINER: But if you keep with your promise of the 25 minutes,
24 the Chamber has no objection.

25 MR HAYNES: Let's see how we go.

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1 Q. Madam, I just want to come back to something we were talking about earlier
2 and I want, if I may, to read to you some of the questions and answers you gave in
3 your interview in 2009. Is that okay?

4 A. Yes.

5 Q. And for everybody else's benefit, it is -- 0390 are the last four numbers of the
6 exhibit in the English reference, and it's the very bottom of that page.

7 You were asked (Redacted), "How did you recognise
8 them as Banyamulengue?" And you said, "They did not speak Sango." And you
9 were asked, "Did you recognise the language they were speaking?" And you said,
10 "No."

11 Now, my question is: When you said that in your interview, were you telling the
12 truth?

13 A. Yes, it's the truth.

14 Q. I'm not receiving -- I didn't receive a translation.

15 THE INTERPRETER: The answer was, "Yes, it's the truth."

16 MR HAYNES: Thank you.

17 Q. Well, why did you tell us this morning that you could recognise the language?

18 A. I said that I couldn't understand the language.

19 Q. I see. Now, how long have you been a member of OCODEFAD?

20 A. A while.

21 Q. And are you still a member?

22 A. Yes.

23 Q. And how long do you think it has been in terms of years that you've been a
24 member?

25 A. A while, but I can't remember the number of years.

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1 Q. How regularly did you attend meetings of OCODEFAD?

2 A. I don't go on a regular basis. You know that OCODEFAD has a number of
3 offices; we have one in our district, but for the central office, or head office, it's when
4 there's a distinguished person and then we're asked to go there.

5 Q. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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Page 21 Redacted

Trial Hearing
Witness: CAR-OTP-PPPP-0075

(Closed Session)

ICC-01/05-01/08

1 Q.

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14 Page 22 Redacted

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Trial Hearing
Witness: CAR-OTP-PPPP-0075

(Closed Session)

ICC-01/05-01/08

1 A.

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14 Page 23 Redacted

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Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0075

1 (Redacted)

2 (Redacted)

3 Q. Very well. Now, I just want to recap over a few things we were talking about
4 earlier. On the day that you left (Redacted), was there gunfire and fighting going on
5 nearby?

6 A. Yes.

7 Q. And was it heavy fighting?

8 A. Yes.

9 Q. During the time that you were staying in (Redacted), did you ever become
10 aware of bombs being dropped from aircraft on the area?

11 A. Yes, I heard talk about that. Even in our neighbourhood we had been bombed.

12 Q. When you got to PK10 on that day, was the fighting there as heavy as it had
13 been in (Redacted)?

14 A. But the shots -- there were shots at all times. During the day, at the night, the
15 gunfire was constant.

16 Q. I'm sorry. Again it's my fault, madam. When you got to PK10 and you met
17 the soldiers on the road, was the fighting -- was there any fighting at PK10?

18 A. Not at PK10, but what I do know is that were shots, but I don't know where the
19 gunshots came from.

20 Q. Thank you. At PK22, was there any gunfire or fighting there when you got
21 there?

22 A. No.

23 Q. And at (Redacted)?

24 A. Nor was there any fighting there.

25 Q. So on the day that you left, the heaviest fighting was close to the centre of

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0075

1 Bangui; is that correct?

2 A. I didn't know the specific place where the fighting was. I heard gunshots from
3 all kinds of directions but I really wasn't able to identify the place, but what I do
4 know is that it was all in the town of Bangui.

5 Q. Thank you very much. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. Just one thing I've forgotten. (Redacted) is on the road from (Redacted),
18 isn't it?

19 A. Yes.

20 Q. And I think you might have already told us this, but it's about (Redacted)
21 kilometres from the centre of Bangui; is that right?

22 A. Yes.

23 Q. When you left (Redacted), you went back to your home where you lived (Redacted)
24 (Redacted). Do you remember the approximate date when you went back (Redacted)
25 (Redacted)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0075

- 1 A. It was after two weeks, perhaps even a month.
- 2 Q. And how was your home when you got back there?
- 3 A. My house was in a normal state.
- 4 Q. Thank you. Had (Redacted) stayed in the house whilst you had been in
- 5 (Redacted), or had he left the area too?
- 6 A. (Redacted).
- 7 Q. Thank you. And just one last thing: (Redacted)?
- 8 A. (Redacted)? Are you talking (Redacted)?
- 9 Q. No, I'm talking about (Redacted).
- 10 A. Oh, I understand. (Redacted)
- 11 (Redacted)
- 12 Q. (Redacted)
- 13 (Redacted)
- 14 MR HAYNES: Thank you very much, madam. I have no further questions for you.
- 15 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. I ask whether the
- 16 Prosecution intends to re-direct?
- 17 MR BADIBANGA: (Interpretation) No, your Honour, the Prosecution has no
- 18 further questions for this witness.
- 19 PRESIDING JUDGE STEINER: Thank you, Mr Badibanga.
- 20 Madam Witness, I have a clarification that I would like to have from you. For the
- 21 parties and participants, the reference is on page 28, the English transcript, lines 15,
- 22 16.
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0075

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Trial Hearing
Witness: CAR-OTP-PPPP-0075

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE STEINER: I really understand your answer, madam. It's
5 clear - very clear - to me. The Defence has any further questions?

6 MR HAYNES: Thank you very much, your Honour, but no, thank you.

7 PRESIDING JUDGE STEINER: Thank you very much, madam. The Prosecution,
8 the legal representative of victims and the Defence have finished with their
9 questioning, which means that now we have concluded your evidence before this
10 Chamber, but before you leave the Court the Chamber wants to express the thanks for
11 the time and trouble that you have taken to come to this country and to give evidence
12 in this trial.

13 In order for the Judges to find the truth, it's critical that witnesses such as yourself are
14 prepared to give evidence to assist us on the relevant issues of the case. We are
15 aware that this will certainly have been inconvenient for you, difficult for you and
16 possibly it may have involved some personal risk, so we just can say thank you very
17 much for coming here to give your contribution for the Chamber to find the truth in
18 this case.

19 Before you leave us, madam, in order to go back home to your country, to your family,
20 the Chamber would like to know whether you would like to say something, whatever
21 you want? If you want to say something, please do it.

22 THE WITNESS: (Interpretation) Thank you. My last words are as follows.

23 (Redacted)

24 Before I came here I asked myself, "When will this trial be held?", and yesterday and
25 today I was able to give testimony before your Court. (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0075

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE STEINER: Thank you very much, madam. VWU will assist
5 you until the moment you go back to your country. Thank you very much again,
6 and I ask, please, the court usher to escort the witness outside the courtroom.

7 (The witness is excused)

8 PRESIDING JUDGE STEINER: Court officer, could we please go back into open
9 session.

10 (Open session at 12.25 p.m.)

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

12 PRESIDING JUDGE STEINER: Thank you very much. First the Chamber has a
13 short oral decision to issue, which is the following:

14 The Chamber wants to draw the attention of both legal representatives to the
15 requirement that the justification of their applications for questioning witnesses
16 comply with the Chamber's decision on the directions for the conduct of the
17 proceedings, issued on 19 November 2010, and the reference made to the Chamber's
18 decision of 12 July 2010, decision 807, corrigendum on the participation of victims in
19 the trial, especially paragraph 25 on the definition of the personal interests of victims
20 under Article 68(3) of the Statute in order to participate at any stage of the
21 proceedings.

22 The Chamber notes that Maître Zarambaud, in his filing to question Witness 6, filing
23 132 confidential, gives the sole justification as to why the personal interests of the
24 victims that he represents are affected that, "The declarations of Witness 6 are crucial
25 to the interests of the victims he represents."

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1 The Chamber finds that such a justification is insufficient as it does not give any
2 indication as to why the declarations of Witness 6 would effectively be decisive for
3 the victims Maître Zarambaud represents.

4 The Chamber decides that for this time, and on an exceptional basis, Maître
5 Zarambaud is allowed to refile by Friday, 1 April, 4 o'clock, his application with a
6 more detailed justification as to why the victims' interests are affected by the
7 declarations of Witness 6.

8 The Chamber has just received confirmation from VWU that Witness 06 will arrive on
9 Sunday and will be ready to start giving his testimony on Monday at 2.30. So
10 instead of sitting for the whole day, as planned, the Chamber will sit as from 2.30 in
11 the afternoon, next Monday, 4 April.

12 Having said that, I would like to thank very much the Prosecution team, legal
13 representatives of victims, the Defence team, Mr Jean-Pierre Bemba Gombo, our
14 interpreters, court reporters. We are going to adjourn now and resume on Monday,
15 at 2.30 in the afternoon, in this courtroom.

16 This hearing is adjourned.

17 THE COURT USHER: All rise.

18 (The hearing ends at 12.31 p.m.)

19 CORRECTION REPORT:

20 The Court Interpretation and Translation Section has made the following correction
21 in the transcript:

22 *Page 9 line 1

23 "the situation was lessening somewhat." Is corrected by "the situation was already
24 settling down a bit."

25 RECLASSIFICATION REPORT

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0075

- 1 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 2 ICC-01/05-01/08-3038 and the instructions in the email dated 6 February 2014, the
- 3 version of the transcript with its redactions becomes Public