

Trial Hearing
Witness: CAR-V20-PPPP-0001

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Thursday, 3 May 2012
9 (The hearing starts in open session at 9.36 a.m.)
10 THE COURT USHER: All rise. The International Criminal Court is now in session.
11 Please be seated.
12 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
13 in open session.
14 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
15 case.
16 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you very much. Good morning, welcome,
19 the Prosecution team; legal representatives of victims; Dr An Michels, psychologist
20 from VWU. Good morning Defence team, Mr Jean-Pierre Bemba Gombo. Good
21 morning to our interpreters, court reporters.
22 We will continue this morning with the questioning by Defence of Witness V1. I was
23 informed that, before the witness is brought into the courtroom, that
24 Defence -- Mr Haynes would like to address the Bench. Mr Haynes, you have the
25 floor.

1 MR HAYNES: Thank you, your Honour.

2 Yesterday, almost uniquely in the history of this case, we spent all but a few minutes
3 in public session, with the effect that what was said in the courtroom reverberated not
4 just amongst ourselves but around The Hague, and there were two interventions in
5 particular by your Honour, Madam President, which the Defence upon reflection felt
6 the need to seek further clarification and guidance upon, because we are going to
7 need to continue to present our case in a manner which the Court finds acceptable,
8 digestible and attractive and we are going to have to advise our client on the
9 presentation of his own defence, and it's in that spirit that we seek your clarification
10 and guidance on two of the interventions that you made yesterday.

11 The first was just before the luncheon adjournment, or I think, no, just before the first
12 adjournment, and it appears in the real-time transcript, English version, page 19, at
13 lines 21 to 22, and your Honour will recall it followed a series of questions that your
14 Honour put to the witness herself seeking clarification about the geography at the
15 port area. And it is plain that something got lost in translation, or there was some
16 misunderstanding, because the witness plainly thought that your Honour was
17 questioning her truthfulness and she reacted accordingly, but it was your Honour's
18 immediate response to that which we felt the need to seek some qualification or
19 clarification of.

20 What your Honour said at page 19, lines 21 to 22, was "Madam Witness, I am sure
21 you were telling the truth because you are on oath," and that did cause us some
22 concern because it appeared that those remarks had both a specific and a general
23 application which were relevant to the case and which, if they did not represent what
24 they appear to represent, ought to be qualified.

25 In specific terms it would appear that your Honour was saying in open court that,

1 even before the witness was questioned by the Defence, you accepted that her
2 evidence was truthful and accurate. In more general terms, it would appear to
3 suggest that the mere taking of an oath is an indication of credibility.
4 Now, we cannot imagine that you meant either of those things. We imagine that all
5 you were seeking to do was to reassure the witness that your questions were not to be
6 taken by her as an attack on her truthfulness, but were merely a request for some
7 further information or clarification from her, but as the remark appears on the
8 transcript we felt that it ought to be qualified so that we know what the Court's
9 general approach is to indicators of credibility and that the accused has the comfort of
10 knowing that witnesses' credibility will be judged on the overall context of their
11 evidence and the way in which it bears comparison with other evidence in the case.

12 And so that is the first matter which we wished to raise for your possible clarification.

13 PRESIDING JUDGE STEINER: Mr Haynes, let's deal with the first issue before we
14 go into the second issue.

15 The Defence is the first, or should be the first, to notice the difficulties of some
16 witnesses that come to testify before this Court, the vulnerability of these witnesses.

17 In the case of the current witness the Defence was duly informed that she is a very
18 vulnerable person, illiterate, with no education at all, and her level of understanding
19 maybe is not the same one as the one of more educated persons, or persons more
20 knowledgeable about how a court works, so sometimes reminding the person that we
21 believe when the -- what the person is saying because the person made an oath is a
22 very kind way to remind the person that the person is under oath, first of all.

23 Second, if that pleases the Defence in order to make it absolutely clear, that the
24 intention of the Presiding Judge, when the Presiding Judge said that

25 understand -- was understanding that she was telling the truth, was in relation to the

1 location of the military base, about her knowledge of where Port Beach could be,
2 whether we were talking about a specific military base in Mongoumba or not. Only
3 that, not more than that.

4 So please, Mr Haynes, be sure -- and you can assure your client in that respect, that
5 the Chamber never takes for granted that any witness is telling the truth. The
6 reliability of each and any statement will be duly analysed by the whole Chamber at
7 the proper moment.

8 Second point, Mr Haynes, you have the floor.

9 MR HAYNES: Thank you. The second quotation comes from the very end of the
10 day's proceedings, and in the real-time English transcript it appears at page 62, lines
11 14 to 20, and your Honour probably remembers this but you said, "I hope tomorrow
12 Defence can finish the questioning of the witness, or at least with more objective
13 questions, because the second part of today's testimony I think that not too much
14 came into light in terms of relevance for the case at stake."

15 I have to say this troubled us deeply. If I may take a step back, the first finding of
16 fact that the Prosecution I imagine will invite you to make in this case is that crimes
17 were committed by subordinates of the accused, and it seems to us that it is centrally
18 and quintessentially relevant that all evidence which identifies the perpetrators of
19 crimes is properly and fully put before the Court for its consideration.

20 Now, let me make this clear: We will submit to you that even if you were to find
21 that the perpetrators of some crimes were able to speak some words of Lingala, that is
22 no way near enough evidence to satisfy you that they were the subordinates of
23 Jean-Pierre Bemba. In particular, in relation to this group in Mongoumba, where it
24 is the Defence case the MLC never had a unit.

25 We will invite you to consider all the matters that indicate the origins of this group of

1 20 or so soldiers about which the witness was talking, and they include not just the
2 fact that some of them, according to her limited ability, might have spoken some
3 words of Lingala but some of them were wearing facial or head scarves more
4 indicative of the Chadian soldiers who fought in support of President or General
5 Bozizé. Some of them had facial scarring, consistent with them being members of
6 the Sara tribe from Central Africa; some of them didn't know where the way back to
7 the Congo was, which an MLC soldier most certainly would have done; some of them
8 didn't know where the military base was, which anybody who had crossed the river
9 from Libenge, which this witness did aver, would have known. Some of them were
10 in fear of reprisals or the consequences of their acts in the Central African Republic
11 and some of them were worried about what knowledge or intelligence they might be
12 giving away to loyalist forces.

13 Now, those were the questions I put to the witness yesterday afternoon, and if those
14 matters are not relevant we really would appreciate your guidance on that because
15 those have been repetitive things throughout the whole of the Prosecution case and
16 they will continue to be repetitive themes when the Defence case is being presented.
17 And we do invite you to consider, and indicate to us if you can, even informally
18 through your legal officer, if we are simply pursuing bad lines because it seems to us,
19 and it always has seemed to us, that pursuing those lines of examination with the
20 witnesses is of central relevance to this case, and it troubles us that your Honour
21 should express the view that, really, every question we asked yesterday afternoon
22 was of little relevance to the case at stake, and so we do raise that. We wish to place
23 the relevance of those questions on the record, and if you are able we would invite
24 your help and guidance as to whether the Chamber considers those to be relevant
25 indicators as to the identity of the perpetrators. Thank you.

1 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. Yesterday, in the
2 beginning of the second part of the hearing, the Chamber felt that the obligation to go
3 into private session in order to call your attention for some kind of questions you
4 were putting to the witness that in principle violate some protective measures that are
5 granted to victims of sexual violence, and the Chamber had to intervene.

6 At a second moment, the Chamber had to intervene again because you were putting
7 questions to the witness that clearly violated the privileges of client and counsel
8 communication. Finally, in the second part of the day, of yesterday's hearing,
9 Mr Haynes, we can go through the transcripts and just very easily take a look on how
10 many times the witness had to ask for you to rephrase the questions because she was
11 not understanding the questions.

12 It's not up to the Chamber, Mr Haynes, to give guidance to the Defence. It's not up
13 to the Chamber to provide Defence with guidance on what kind of line of defence the
14 Chamber would like to receive.

15 On the other hand, Mr Haynes, as stated in the Rules of Procedure and Evidence, it's
16 up to the Presiding Judge to ensure the proper conduct of the proceedings and to give
17 guidance as why or how a witness should be questioned.

18 At the end of the day, the witness was visibly tired, upset, distressed, not
19 understanding a word of what you were saying, and you were pushing hard on the
20 witness on problems related - and I called your attention for that - maybe even of
21 translation, of interpretation, and of course you disregarded the warnings of the
22 Chamber for some problems that the witness could be facing because of translation
23 problems.

24 I tried, Mr Haynes, not to interrupt the Defence very often, only when I saw it was
25 really necessary. So if there was any intervention of the Presiding Judge that could

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1 have any adverse effect on the spirit of the Defence, maybe it's because, Mr Haynes,
2 you did not understand that the criticism was not in relation to the content of your
3 questions but to the way you put your questions to an uneducated and illiterate
4 witness that does not understand sometimes what you were asking for, and the
5 Chamber will continue doing that because this is my duty. This is my duty,
6 Mr Haynes.

7 Just as a side comment, I don't have the transcript here in my hand, but you insisted
8 in one point that she said that the boats were going back and forth from Mongoumba
9 to Libenge, and I just put here transcript 221, page 46, lines 1 to 6, when she said it is
10 not possible to go in that way. We have to go to Zinga, Zimba (phon), I don't
11 remember the name, and you simply ignored the answer and you continued saying
12 that she said that she was going back and forth from Libenge to Mongoumba.

13 This is the kind of situation that the Chamber cannot allow. One thing is to put
14 questions to the witness, the other thing is to try to trap a witness, an illiterate and
15 uneducated person, Mr Haynes. And the Chamber will continue doing that, but feel
16 free to follow the line of Defence you deem more appropriate. It's your obligation to
17 defend the interest of your client, and the Chamber is here in order to ensure a fair
18 trial. So don't come with conspiracy theory, because this is not going to work,
19 Mr Haynes.

20 Judge Aluoch wants to make a comment. Please, Judge Aluoch.

21 JUDGE ALUOCH: Very briefly to say that the Defence team, the Judges consider
22 and make a finding on the credibility of each witness at the end of the trial, and
23 indeed during the preparation of the judgment, not earlier. I'd like to say that, and
24 that is really the basic principles of criminal law.

25 And secondly, I see from page 6, beginning -- real-time transcript on the screen, your

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1 submissions this morning is you put what the Defence case is as far as Mongoumba is
2 concerned. We will invite you to consider all the matters that indicate the origins of
3 this group of 20 or so soldiers.

4 This morning you have told us what the Defence case is as far as these 20 or so
5 soldiers are concerned. You have an opportunity, Mr Haynes, the witness is still on
6 the dock, I think you have the opportunity to put your case to the witness then.

7 That's all I would like to comment on.

8 MR HAYNES: Well, of course, in response to that I do acknowledge Judge Steiner's
9 words about the capabilities and vulnerability of the witness, and it does seem to me
10 far more appropriate to elicit from her evidence of, as it were, the features of these
11 men which give indications of where they came from, rather than put to her that
12 these were not MLC soldiers because the MLC never had a unit in Mongoumba. She
13 has already said she had a very little understanding of the situation in her country in
14 March 20003, and I think you can take it from me that I will not be putting that sort of
15 question to her because I think it's beyond her capabilities and would be unfair.

16 But what I must say does trouble me is that I do recall there were two interventions
17 during my questioning yesterday. Nobody I think, at any stage, from the
18 Prosecution, the legal representatives or the Bench, intervened on the basis that any
19 line of questioning was irrelevant, and that was the context of your Honour's remarks
20 yesterday evening.

21 The criticism you now level at me seems to be rather different and, if I had been
22 badgering, or bullying, or treating the witness unfairly having regard to her
23 capabilities and vulnerability, I would have expected you to intervene yesterday, not
24 criticise me at the end of the day for asking irrelevant questions and then when I seek
25 clarification of what the Court regards as relevant and irrelevant to be criticised for

1 the manner of my questioning which was not raised with me at the time. That
2 seems to me to be palpably unfair, but perhaps we'll leave the matter there.

3 PRESIDING JUDGE STEINER: Yes, Mr Haynes. Let's see if we will understand
4 better each other. I've been trying to avoid interrupting the Defence every time I
5 have doubts about relevance of the question. I think it would be prolonging the
6 statement for days and days if I have to ask Defence, every time Defence asks a
7 question that prima facie is irrelevant, for the Defence to try to explain the relevance
8 and that would be very, very disruptive of the statement. This is maybe the reason
9 why I've been giving Defence all the space Defence needs in order to conduct its line
10 of questioning.

11 If the -- if I'm informed that Defence prefers to justify relevance after any question is
12 put that prima facie appears not to be relevant, we can try. I don't think we are
13 going to -- we are not going anywhere with this method.

14 My final comment, Mr Haynes, before we bring the witness in. It's not for the
15 Chamber of course in any system of the world to give guide-lines to the Defence on
16 how to conduct its case, or to the Prosecution, or to legal representatives. However,
17 all parties and participants in a trial before this Court must bear in mind that they are
18 producing evidence, or they are challenging evidence, with one single purpose: To
19 convince the Judges.

20 Bearing that in mind, I invite Mr Haynes - mainly Mr Haynes - to consider whether
21 this or that line of question is going to bring to the Bench the necessary reasonable
22 doubts. This is the function of the Defence. And, Mr Haynes, I'm talking to you.
23 I would like very much to have your attention, the same way I was very attentive
24 listening to your submissions.

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

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- 1 (The witness enters the courtroom)
- 2 WITNESS: CAR-V20-PPPP-0001 (On former oath)
- 3 (The witness speaks Sango)
- 4 PRESIDING JUDGE STEINER: Good morning, madam.
- 5 THE WITNESS: (Interpretation) Good morning, your Honour.
- 6 PRESIDING JUDGE STEINER: Did you have the opportunity to rest and recover
- 7 during the night?
- 8 THE WITNESS: (Interpretation) Yes, I was able to rest.
- 9 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony,
- 10 madam?
- 11 THE WITNESS: (Interpretation) Yes, I'm ready.
- 12 PRESIDING JUDGE STEINER: Madam Witness, this morning Defence will continue
- 13 questioning you, but before I give the floor to the Defence I need to remind you that
- 14 you are still under oath. Do you understand that, madam?
- 15 THE WITNESS: (Interpretation) Yes, I understand.
- 16 PRESIDING JUDGE STEINER: I also wanted to remind you, madam, to try to speak
- 17 slower than normal in order to allow the interpreters to do their job, and that if at any
- 18 time you feel tired or distressed please do not hesitate and tell the Chamber - tell the
- 19 Bench - if you need a break. Do you understand that, madam?
- 20 THE WITNESS: (Interpretation) Yes, it's clear.
- 21 PRESIDING JUDGE STEINER: Mr Haynes, you have the floor.
- 22 MR HAYNES: Thank you, your Honour.
- 23 QUESTIONED BY MR HAYNES: (Continuing)
- 24 Q. Good morning, Madam Witness.
- 25 A. Good morning, Counsel.

1 Q. I have a few more questions for you, but I don't think it's going to take very
2 much longer. I hope you're pleased to hear that.

3 If you can, I want you to try and imagine again that you're 19 years old, the age you
4 were in March 2003. What was it you were actually doing as work when you were
5 19?

6 A. Before 2003 I said I was a trader, but it was in 2003 that I lost everything that I
7 had and since then I have no activity.

8 Q. Okay. You told Ms Douzima Lawson the other day that at some stage you
9 were a dancer. Were you doing that in 2003, or is that something you've done more
10 recently?

11 A. I was a dancer before the events.

12 Q. Thanks. And where did you dance? Was that near the area where you lived?

13 A. I was a member of a folkloric group of dancers and we used to dance in our
14 locality for different ceremonies. We were invited to perform for payment. That's
15 what we did.

16 Q. Thank you. And how long at the age of 19 had you been a trader?

17 A. My mother started teaching me. She got me involved at the age of 12.

18 Q. And was it through that that you went across to trade in Libenge?

19 A. I started going to Libenge when I was 14 years old.

20 Q. Thanks very much. And how did you get there?

21 A. I started going to Libenge when I was a trader in my locality. As I saw I wasn't
22 making any profits I wanted to continue, but the other traders who -- were getting
23 their supplies from Libenge, so I followed the example of other traders who were
24 regularly going to Libenge in order to get their supplies of goods.

25 Q. Yes, perhaps you misunderstood me. Did you go to Libenge and back again

1 by boat?

2 A. I didn't go by boat. I paid the young people from the locality, I gave them 200
3 francs, and they got me across the river in order to get my supplies from Libenge, and
4 once I purchased those products I returned to my home, crossing by dug-out canoe.

5 Q. Sorry, it was probably my use of the word "boat," but you were able, weren't
6 you, to cross the river both back and forth by pirogue?

7 A. Yes, that's correct.

8 Q. And when you were in Libenge, what did you buy?

9 A. I think that in Libenge I would buy -- I would buy peanuts, I would also buy
10 various other items which were necessary, as well as eggplants.

11 Q. Thank you. And when you were 19, were you doing that on your own or was
12 your mother still going with you?

13 A. When I carried out this activity, it was my mother who gave me the funds in
14 order to carry out this trade, and it was only the income from the week. Well, if that
15 wasn't very much, then I was accompanied by one of my sisters who would also carry
16 out some of the purchasing.

17 Q. So you would go to Libenge, I think you told us three times a month, you
18 would buy some berries and nuts, and then you would go back to Mongoumba; is
19 that correct?

20 A. That's correct.

21 Q. And was that the only time you ever spoke or heard Lingala?

22 PRESIDING JUDGE STEINER: Mr Haynes, in your last question you mentioned
23 that "I think you told us three times you would buy some berries and nuts and then
24 you would go back to Mongoumba; is that correct?" And the answer is "That's
25 correct." I would like to check this reference, that you give us the reference, because

1 my recollection is that she said yesterday three times per month.

2 MR HAYNES: Did I not say three times per month? I think I did. If it doesn't
3 appear in the transcript it should do.

4 PRESIDING JUDGE STEINER: No, it doesn't appear.

5 MR HAYNES: Okay. No, I took that reference from the question asked by
6 Mr Bifwoli who established she went three times a month.

7 Q. Can we go back to the question I just asked, which is: Your visits to Libenge to
8 buy berries and nuts were the only occasions when you spoke Lingala; is that correct?

9 A. I think that the first time when I went I did not understand Lingala. It was
10 after my frequent visits that I started learning Lingala. Thereafter, I was able to
11 speak Lingala.

12 Q. Very well. I want to go back to the form that Ms Massidda filled out for you,
13 and I'm going to read to you what Ms Massidda recorded that you said about your
14 ability to speak Lingala, and this is what you told her, and for everybody else's
15 benefit, it's page 9 of the form, section D, the last two lines. You said to
16 Ms Massidda apparently, according to her, (Interpretation) "I had a friend who
17 speaks Lingala, so I was able to speak it a bit." (Speaks English) Did you have a
18 friend who spoke Lingala?

19 A. When I arrived into the territory, during my frequent visits I was able to speak,
20 or I had learned Lingala but I had no friend who spoke Lingala.

21 Q. Can you explain how Ms Massidda came to write down that you told her that
22 you had a friend who spoke Lingala and so you could speak it a bit?

23 PRESIDING JUDGE STEINER: Please, Mr Badibanga. Maître Badibanga.

24 MR BADIBANGA: (Interpretation) Thank you very much, your Honour.

25 Perhaps this question could be reformulated in a sense which would mean that the

1 witness does not have to speculate with regards to what Ms Massidda was thinking
2 of when she drafted this. I think the question is poorly formulated. Thank you.

3 PRESIDING JUDGE STEINER: And I thought you were going to touch upon
4 another point. I would like the confirmation that the meaning of "J'ai une amie qui
5 parle le lingala, alors je peux leur parler en peu." That would mean that -- is that the
6 right translation, and I'm asking the interpreters, so you could speak it a bit or you
7 could speak with this person a little bit?

8 THE INTERPRETER: "With them," your Honour.

9 PRESIDING JUDGE STEINER: Thank you for the clarification. So could you
10 rephrase your question, Mr Haynes?

11 MR HAYNES: Certainly.

12 Q. Did you tell Ms Massidda that you had a friend who spoke Lingala?

13 A. I think I told you that I had no friend who spoke Lingala, so who could teach
14 me this language?

15 Q. I know you've already told us you didn't have a friend who spoke Lingala, but
16 this is a slightly different question. Listen to it, please. Did you tell Ms Massidda
17 that you had a friend that spoke Lingala?

18 A. I'll say it again: I never stated that. It was during my visits that I had the
19 opportunity to learn the language of that country. I never stated that I had a friend
20 there.

21 Q. Did you tell Ms Massidda that you were able to speak to them a bit?

22 A. I'm not sure I've understood the question that was put to me. Please, could
23 you reformulate it?

24 Q. Yes. And to be absolutely fair, I will read out what is written in the form again.
25 It says: (Interpretation) "I have a friend who speaks Lingala, so I was able to speak

1 to them a bit." (Speaks English.) Did you tell Ms Massidda that you were able to
2 speak to them a bit?

3 A. When we were visited, I was already an adult. I had already given birth to a
4 child, and so I knew or I understood this language already. I had the possibility to
5 express myself in that language.

6 Q. Well, let's move on. How many of these soldiers did you speak to?

7 A. I didn't understand the question.

8 Q. Then that's my fault. You told us there were about 20 soldiers in the group on
9 5 March 2003. How many of them did you actually speak to?

10 A. When I was arrested they were all present and I spoke to them, and I told them
11 that I wasn't Central African but I was Congolese. They were all together.

12 Q. I know this is very difficult, and I'm going to try very hard not to go into the
13 events you have described to us already, but do you remember whether you spoke to
14 one man in particular, or two men, or more than two men?

15 A. I think that we were together, my -- myself and the group of soldiers. We
16 didn't have an intimate situation whereby I could speak to just one or two people.
17 I was speaking to the whole group.

18 Q. Did you speak to the men who had the masks on their faces?

19 A. No, I never had an opportunity to talk to them.

20 Q. Did you speak to the men who had the scars on their faces, like the Sara tribe
21 from Central Africa?

22 A. I never spoke to them. When I was stopped it was by a group of soldiers, and I
23 said to them what my nationality was and other than that we did not talk about any
24 other question. They did not speak to me, just at a few points in time they made
25 threats to me. They threatened me, so I really can't lie or say anything incorrect

1 about that.

2 Q. Thank you very much, madam. That's very helpful. I want now to go back to
3 the very last thing you said yesterday evening, and it's real-time transcript page 62,
4 lines 1 to 9, and I want you to listen to this carefully. What you said was, "They did
5 not want me to understand that they were coming from their country. They wanted
6 to leave the impression that it was other forces that were involved. That was my
7 understanding."

8 Now, I want you to tell us what they did to make you understand that they were not
9 Congolese?

10 A. I think that I gave you an answer yesterday. When they came into my area
11 they didn't want to show that they had come from the other side of the river, or that
12 they were soldiers coming from the other side of the river, so I realised that they were
13 foreign soldiers when they said that their president had ordered them to spare no one.
14 The language they were using allowed me to figure out where they came from.

15 Q. Thank you. You've -- you pre-empted my next question, which was some of
16 them were very obviously trying to give you the impression they did come from the
17 other side of the river, weren't they?

18 A. That's right.

19 Q. But to continue your answer from yesterday evening, you said, "They wanted to
20 leave the impression that it was other forces that were involved," and I wanted you to
21 tell us what they did to leave you with the impression that other forces were
22 involved?

23 A. I just told you they wanted to have me believe that they were not responsible
24 for those acts of violence and the abuse. They wanted me to think that it was other
25 soldiers who had done that. If they hadn't said the name of their president, I

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1 wouldn't have known where they came from. It was because they said the name of
2 their president, that is how I realised where they came from, and above all I
3 understood because of the language that they were speaking and their accent.
4 They'd -- because of that I knew they weren't from Congo-Brazza, because the Lingala
5 that they spoke was not the kind of Lingala that is spoken in Congo-Brazzaville.

6 Q. I just want to be clear. It was the fact that they said the name of their president
7 that persuaded you of their origins; is that correct?

8 A. Accent. You see, I saw that some foreigners had come into my area and that
9 they spoke Lingala, so I tried to determine the accent of their Lingala and I realised
10 that they spoke with the kind of accent of people from the locality that I used to go to
11 regularly to get my various goods, and finally they said the name of their president.

12 MR HAYNES: Thank you. Now, I want to ask you some questions about some
13 people and I'm going to ask you for their names. You are giving evidence in open
14 session, but I will seek the guidance of the President as to whether I should ask these
15 questions in private session?

16 PRESIDING JUDGE STEINER: I think in order to prevent any damage - irreversible
17 damage - it's better if we go into private session and, if the case be, we can reclassify
18 the transcript later.

19 Court officer, please turn into private session.

20 *(Private session at 10.40 a.m.) Reclassified as Open session

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

22 MR HAYNES:

23 Q. Madam, you told us about an incident at the home of a bishop at which you
24 were present. Do you know the name of the bishop?

25 A. The bishop came to Mongoumba from Mbaiki and the events occurred a very

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1 long time ago. I've tried very hard to remember certain details. I didn't know the
2 name of that bishop, because at that time I hadn't gone to the mass that was being
3 celebrated by that particular bishop.

4 Q. Do you know if he is still alive and well?

5 A. I haven't tried to find out whether he's still alive, or not.

6 Q. But your recollection is that in March 2003 he was the Bishop of Mbaiki; is that
7 correct?

8 A. He had come from Mbaiki.

9 Q. Thank you very much.

10 A. He had come from Mbaiki in order to administer the sacrament of confirmation.

11 Q. Thank you. You mentioned an incident involving the mayor. Do you know
12 his name?

13 A. Yes, I do know his name.

14 Q. Would you tell us? We are in private session.

15 A. I refer to him as "Mr Mayor," because he was the assistant to the mayor who is
16 currently in place, and we refer to him as "Petit Français," the "Little Frenchman."

17 Q. Okay. And he still lives in Mongoumba, does he?

18 A. He lives in Mongoumba and his second wife, however, lives in Bangui, so he
19 tends to go back and forth between those two places, between Mongoumba and
20 Bangui.

21 Q. Thanks very much, indeed. Just two more. The Muslim man, what is -- was
22 his name?

23 A. I don't know the name of the Muslim man who was killed.

24 Q. Okay. Do you know if his family still lives in Mongoumba?

25 A. His children have left. They went from Mongoumba and went to Zinga, but

1 his wives are still in Mongoumba.

2 Q. And can you tell us anything about them, what sort of business they are
3 involved in, where they live?

4 A. Counsel, I haven't understood your question. What address are you talking
5 about, what residence?

6 Q. Where the wives still live.

7 A. They are still in Mongoumba.

8 Q. Do you know any of their names?

9 A. I don't know their real names, but when I would go to their place to get goods
10 I was in the habit of calling them by the name of their children or another -- that is to
11 say, mother of so-and-so.

12 Q. Okay. And lastly, the Muslim man's neighbour, do you know her name?

13 A. I'm not supposed to know the name of all the people who live in my locality.
14 However, I do know that woman well.

15 Q. Okay. But do you know her name or not?

16 A. I don't know her name.

17 MR HAYNES: Very well. Then I've finished asking questions about people's
18 identities, your Honour.

19 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
20 (Open session at 10.49 a.m.)

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

22 MR HAYNES:

23 Q. Madam, we are very, very close to the end now, but I just want to ask you a few
24 questions about some of the incidents you've described, and I want to start, please,
25 with the car crash. Where did the car crash occur?

1 A. The accident occurred in front of the gendarmerie.

2 Q. Thank you. And what sort of car was it that crashed?

3 A. I told you that it was a vehicle with a dual cabin.

4 Q. Thank you very much. And how far had that car travelled from the
5 gendarmerie before it crashed?

6 A. Counsel, I never went to school. You're asking me questions about distances
7 and metres and kilometres but, really, I'm trying to answer your questions. The
8 accident occurred in front of the gendarmerie. That's all I can tell you.

9 Q. And did it occur as the car was driving away from the gendarmerie?

10 A. I didn't see the car taking off. The soldier in question was yelling, calling out
11 with jubilation and playing with the car. He went ahead, he backed up, and as he
12 was doing that he crashed into the tree that was in the compound in front of the
13 vehicle.

14 Q. Thank you very much. So the accident occurred in the compound of the
15 gendarmerie as the vehicle was being reversed; is that correct?

16 A. *I didn't tell you that the vehicle was backing up. I told you that the tree was in
17 front of the vehicle, so, I mean, the vehicle was moving forward. That is when the
18 vehicle hit the tree in question.

19 Q. What happened to the vehicle after the accident?

20 A. After smashing into the tree, I said to myself, "Because he committed those acts
21 of violence and abuse, God wanted to punish him." The front of the car smashed
22 into it, and he was crushed within the -- he was crushed within the vehicle.

23 Q. Well, that wasn't really my question. I wanted to know what happened to the
24 car after the accident. Was it driven away from there?

25 A. They did not move the vehicle away. They used an axe that they had taken

1 from the gendarmerie, and they used it so they could get the body out of the car
2 wreck, so the wreck stayed there. They left with the vehicle that they had taken
3 from the nuns.

4 Q. Thank you. Can we come on to the Muslim man? How many times do you
5 say he was shot?

6 A. I don't think I had an opportunity to touch the body to count the number of
7 bullets. I saw that the bullets that had been shot did not kill the Muslim man. He
8 himself indicated the place where he could be killed, the part of his body that he
9 could be killed by.

10 Q. What sort of weapons were used to shoot him?

11 A. I never was in the army, so I can't tell you what kind of weapon was used.

12 Q. Were they handguns or were they rifles?

13 A. I don't think that a soldier could use rifles to go into combat. When a soldier
14 goes into combat, he uses weapons of war.

15 Q. Okay, but let's be clear. Was it a gun that fitted into a hand, or was it a gun
16 with a long barrel?

17 A. I think I told you that it was a weapon of war, so the counsel can understand, so
18 I can't give any more information than that. I knew that they had weapons. They
19 weren't hunting weapons. They were weapons used for war. So I really wasn't in a
20 position to know whether it was a weapon with a long barrel, or a short barrel. I
21 really have no other information to give you.

22 Q. And how far away were the men standing from the man they shot?

23 PRESIDING JUDGE STEINER: Maître Douzima.

24 MS DOUZIMA LAWSON: (Interpretation) Your Honour, I believe that the
25 Defence will have to try to understand the witness. For a while now questions have

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1 been put to the witness, but the witness -- and the witness is giving answers, but
2 Defence is insisting. Considering, you know, the distance, she said that she never
3 went to school so she really can't tell us how many metres were -- what kind of
4 distances were involved and I don't think there's any point continuing to harass the
5 witness.

6 PRESIDING JUDGE STEINER: I'll ask Mr Haynes to rephrase the question, but later
7 after the break, Mr Haynes.

8 MR HAYNES: Yes.

9 PRESIDING JUDGE STEINER: Madam Witness, it's time for us to take some break.
10 You can have a coffee, a cup of tea, rest a little bit. We'll have a half-an-hour break.
11 We'll be back at 11.35.

12 I ask, please, court usher to take the witness outside the courtroom. In the meantime,
13 we will suspend and resume at 11.35.

14 (The witness stands down)

15 THE COURT OFFICER: All rise.

16 (Recess taken at 11.03 a.m.)

17 (Upon resuming in open session at 11.39 a.m.)

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

19 PRESIDING JUDGE STEINER: Welcome back. We will continue with the
20 testimony of Witness V1, but before that I was informed that Mr Haynes would like
21 to take the floor. Mr Haynes, it's yours.

22 MR HAYNES: Thank you very much, your Honour. Two very, very short matters.
23 We went into private session so that I could ask the witness about the names and
24 identities of certain individuals mentioned in her evidence, and in fact during the
25 period when we were in private session she didn't volunteer one name. And so

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1 whilst it is on my mind, I would wish to make an oral motion for the reclassification
2 of that section of the transcript to be public. So that's the first thing.

3 And the second thing is we are right at the very end of my questioning of this witness,
4 but yesterday there was an issue raised by Mr Zarambaud about the accuracy of a
5 certain piece of translation and we do not have any record yet that the transcript
6 check has been made and it might be helpful if it is possible if that were available
7 today. So that's -- those are the only two matters I wish to raise.

8 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. I think the problem was
9 not a check with the transcript, because both French and English transcripts
10 contained the same word. I was - and I am - waiting from the interpreters a check
11 with the tape to get the correct translation from Sango into French and the Chamber
12 hasn't received yet. I don't know whether the interpreters could advance something
13 on that respect, or -- it was in relation to the use of the word both in French and
14 English "loyalist".

15 THE INTERPRETER: Madam President, from the interpreters, it would appear that
16 the appropriate translation, or the intended meaning, was "soldiers from our
17 country." "Soldiers from our country," or "soldiers of our country."

18 PRESIDING JUDGE STEINER: If that satisfies Mr Haynes?

19 MR HAYNES: Yes. Well, that will enable us to conclude with the witness today.

20 PRESIDING JUDGE STEINER: Conclude with the testimony, I understand.

21 MR HAYNES: Yes, sorry.

22 PRESIDING JUDGE STEINER: If Mr Haynes seems able to conclude the testimony
23 of the current witness, that means we will start with the next witness probably after
24 the lunch-break. And as the Chamber was informed yesterday, Maître Douzima
25 apparently has a new document that should be given to the Defence, but depends on

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1 a few redactions. So I will instruct Maître Douzima to provide the legal officer with
2 the proposed redactions in order for the Chamber to be able to decide upon before the
3 witness is brought in.

4 Sorry, Maître. You have the floor, Maître.

5 MS DOUZIMA LAWSON: (Interpretation) I think that was done during the break,
6 Madam President.

7 PRESIDING JUDGE STEINER: Thank you very much, Maître.

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

9 (The witness enters the courtroom)

10 PRESIDING JUDGE STEINER: Madam Witness, welcome back.

11 THE WITNESS: (Interpretation) Thank you, Madam President. Good morning.

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

14 THE WITNESS: (Interpretation) Yes, I am ready, madam.

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

16 MR HAYNES: Thank you very much.

17 Q. Well, welcome back, Madam Witness. I'm really only going to be a few more
18 minutes with you, okay?

19 A. Good morning once again, Counsel.

20 Q. Thank you very much. Before we broke we were talking about the Muslim
21 man who was shot, and I was asking you about the sort of weapons that were used to
22 shoot him and how far away the men who shot him were standing. Now, I'm going
23 to take notice of Ms Douzima's objection. Were the men who shot him standing
24 closer to him than I am to you, or further away?

25 A. Thank you. Before they killed him, or they shot at him, he was not too far

1 away from them. The distance must have been similar to or less than the distance
2 between you and I.

3 Q. Okay, and I don't require you to answer this in the circumstances, but I would
4 estimate that the distance between you and I is about five metres and in due course
5 I'll ask the other parties if they agree that.

6 Now, do you recall that you told Ms Douzima Lawson in January of this year that the
7 man was shot four times?

8 A. Yes, I do remember. That is true.

9 Q. Thank you. And were you in a position to see what effect those four shots had
10 upon him?

11 A. No, I was not in a position to see him. I was in a compound. There was a
12 fence and I was in that Muslim man's compound. Three shots were fired and they
13 hit him, but he did not die of those shots. This means that he may not have been hit
14 as such, because he was somehow protected against the shots.

15 Q. Did he fall to the ground?

16 A. He didn't fall to the ground. He was in a sitting position in his compound,
17 holding a stick.

18 Q. And he remained in that position after he'd been shot, did he?

19 A. Yes, that is correct. He did not move and he was still alive after having been
20 shot at.

21 Q. And he then explained to these men how to kill him; is that correct?

22 A. Yes, that is correct. He told them himself the manner in which those men
23 could kill him. He told those men that they shouldn't tire themselves out for
24 nothing because he was bullet-proof, and so he went on to point out to them the
25 manner in which those men could kill him.

1 Q. Thank you. Now, I just have two or three more questions. I've asked you
2 about the occasion in 2010 when you were interviewed by Paolina Massidda and two
3 other ladies from the ICC; do you recall?

4 A. Yes, I do.

5 Q. But after that, in January of this year, you went to the office of Ms Douzima
6 Lawson and you had an interview with her, the result of which was a witness
7 statement. Do you recall that?

8 A. Yes, I do.

9 Q. Now, I understand that you say that your interview with Paolina Massidda had
10 certain translation problems and was not read back to you afterwards; is that correct?

11 A. Yes, that is correct. However, I must say that the statements which were
12 recorded by that lady do not represent what I said and I can swear before you and
13 before God that I said one thing and they wrote down something else.

14 Q. Okay. But when you spoke to Ms Douzima Lawson, did you speak to her in
15 Sango?

16 A. Yes, we spoke to each other in Sango. You see, I do not understand French
17 and it is for that reason that we had the discussion in Sango.

18 Q. And was the statement that was made read back to you by Ms Douzima
19 Lawson in Sango?

20 A. Yes, it was read back to me and I fully understood it.

21 Q. And was it fully accurate?

22 A. My statement was accurate, but when the statement was re-read to me here I
23 challenged one of the points in the report and that was a point relating to my level.
24 Apart from that point, all the other points were a fair representation of my statement.

25 Q. There was no important detail missing?

1 A. Yes, that is correct, but there was another point relating to my aunt. My
2 paternal or maternal aunt.

3 Q. You see, I've looked at that statement long and hard and I can't see anywhere in
4 there that you told Ms Douzima Lawson that the men who abused you told you the
5 name of their president. Is that because you didn't tell Ms Douzima Lawson that?

6 A. If you followed my testimony or statement carefully, you would have
7 understood that I mentioned at some point that it may have happened that I forgot
8 some details, but that if such detail did come to my mind I would mention it. This is
9 what I told my counsel, and so when I remembered some details I talked about them
10 and that might be the reason for the differences.

11 Q. But that was the most important detail, wasn't it? It was that fact that enabled
12 you to identify these soldiers and you have never said that before until yesterday,
13 have you?

14 A. Before answering you, I would like to state the following: I took an oath here
15 before starting to give my testimony before the Court. What I'm telling you here is
16 what I experienced.

17 MR HAYNES: Thank you, madam. I have no further questions.

18 PRESIDING JUDGE STEINER: Thank you very much, Mr Haynes. I am informed
19 that Maître Douzima would like to redirect some questions to the witness, but before
20 that, madam, there is a difference in the date of birth that is stated in your application
21 that you gave to Ms Massidda and in your statement to Maître Douzima. Can you
22 please confirm the date of your birth, please?

23 THE WITNESS: (Interpretation) When this white lady came, she asked me to
24 present my birth certificate. This is what I did and it was on the basis of this
25 certificate that she noted my date of birth, and when my counsel questioned me with

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1 regards to my date of birth I told her about it as well, but what I'd like to say to you
2 here is that I have a copy of my birth certificate. I asked my mother to give me a
3 copy thereof and I provided it to my counsel, Douzima. My mother told me I was
4 born on 17 April 2002.

5 PRESIDING JUDGE STEINER: 2002, madam?

6 THE WITNESS: (Interpretation) I was born on 17 April 2002. That is my date of
7 birth.

8 PRESIDING JUDGE STEINER: Madam, could it be 1982, the year? 17 April 1982?

9 THE WITNESS: (Interpretation) I was born on 17 April 1982. The date that you
10 see on my birth certificate is the -- my date of birth.

11 PRESIDING JUDGE STEINER: It's not that important, madam. I just wanted to
12 clarify, because there are different dates in your birth certificate, in the application to
13 Maître Massidda and in your statement, but it's not important.

14 Maître Douzima, you have -- sorry, Mr Haynes.

15 MR HAYNES: Well, your Honour, I'm looking at the edited transcript of 1 May,
16 page 3, lines 3 to 11, and it's the Chamber's order, and it says, "The order of
17 questioning during the presentation by the legal representatives of victims will
18 proceed as follows: Firstly, the legal representative calling the witness will pose
19 questions," in this case Maître Douzima, "Secondly and since a written application has
20 been filed and leave to ask questions will be granted by our oral decision, Maître
21 Zarambaud will pose questions as have been authorised by the Chamber. Thirdly,
22 the Prosecution will question the witness and lastly the Defence will be given the
23 opportunity to question the witness. Is that agreeable to the legal representatives
24 and to the parties?", and no objection appears on the record.

25 The order which you made two days ago does not provide for redirect and I object to

1 there being a redirect. We have conducted our questioning on -- of this witness on
2 the basis that that would be the final word and there is no extenuating or special
3 circumstance which ought to cause the Chamber at this point to amend the order it
4 made 48 hours ago.

5 PRESIDING JUDGE STEINER: I don't see, Mr Haynes, that the authorisation to
6 redirect is in contradiction with the order made by the Chamber on the sequence of
7 questioning, and in any case, and because this is a rule on the Rules of Procedure and
8 Evidence, whenever there is redirect questions the Defence is given the opportunity
9 to have the last word. So your objection is noted, but taking into account that the
10 Chamber with all witnesses of this case has been following the same sequence of
11 questioning, the calling party, legal representatives of victims and the calling party
12 had always been granted the opportunity to redirect, I don't see why we should open
13 an exception and I must disagree with your interpretation that this comes in
14 contradiction with the order issued two days ago by the Chamber.

15 In any case, as I said and as I repeat, the Defence is always the last one to have the
16 floor, so the Defence will have all opportunity the Defence needs to complete, to
17 contradict or to requestion the witness.

18 Before I give the floor to Maître Douzima, Judge Aluoch also would like to ask for a
19 clarification.

20 JUDGE ALUOCH: Madam Witness, only one clarification I'm seeking from your
21 evidence. I'm looking at the edited transcript of the evidence given on 1 May. It's
22 on page 50. You gave an answer in response to your lawyer, Ms Douzima, as
23 follows: "The attackers invaded the locality in 2003 and it was in that year that we
24 were in the Congo. I confirm it was in 2003." Then Ms Douzima asked you, "Do
25 you know if there were other victims of rape who were consulted by this doctor?"

1 I'm not interested in the second aspect of this question, which says "... who were
2 consulted by this doctor?" What I would like you to clarify is, apart from yourself,
3 did you come to know whether there were other victims of rape, either men or
4 women, in your locality in Mongoumba, or did you ever come to know whether
5 anybody else complained of having been raped by the men whom you say came from
6 across the river? That's the clarification I'm seeking from you.

7 THE WITNESS: (Interpretation) Well, we are asked just to told -- to tell the truth
8 when it comes to the end of the world. This is what it says in the scriptures. We
9 have to tell the truth when it comes to the end of the world.

10 Now, the only girl who was a victim of rape in the town of Mongoumba is myself and
11 I am here before you. The other inhabitants only suffered pillaging; pillaging of
12 their goods which were taken by the attackers. I cannot tell a lie here with regards
13 to this point.

14 JUDGE ALUOCH: Thank you very much. That's the clarification I was seeking
15 from you.

16 PRESIDING JUDGE STEINER: Maître Douzima, your Honour the floor, just
17 clarifying that when the calling party redirects, use the redirect to put some questions,
18 it's just for clarifications on the answers given. It's not for new - completely
19 new - questions. And after that, in accordance with Rule 140(2)(d) of the Rules of
20 Procedure and Evidence, Defence shall have the right to be the last to examine a
21 witness.

22 Maître Douzima, you have the floor.

23 MS DOUZIMA LAWSON: (Interpretation) I thank you very much, your Honour.

24 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation).

25 Q. Good morning, Witness.

1 A. Good morning, Counsel.

2 MS DOUZIMA LAWSON: (Interpretation) Your Honour, my first question relates
3 to the reference that I asked for yesterday from the Defence concerning the witness
4 statement, according to which the Banyamulengue came from Libenge, and at the end
5 of the questioning carried out by the Defence this reference was not found.

6 On the other hand, the witness had given this testimony on 1 May, in the edited
7 version, page 42, lines 4 to 8, and "I do not have an answer to give to this question,"
8 she says to the Defence. "I told you that when they deployed in the locality they
9 were seen by my aunt and that is how she came to alert us. I'm not God, so I can't
10 indicate precisely the place through which they came."

11 Q. I just wanted to ask the witness whether she would confirm this statement that
12 she cannot precisely indicate the place through which the troops came in order to
13 arrive in Mongoumba?

14 A. That is correct.

15 Q. Thank you very much, Witness. Now, continuing with the hearing of 1 May,
16 and here I'm referring to page 40, lines 6 to 8, of the edited version, you stated that
17 you did not see the soldiers that soon because you were still in bed and it was a
18 member of your family who was fleeing who had warned you; is that correct?

19 A. That is exactly what I testified.

20 Q. Witness, I would ask you, other than the soldiers who spoke Lingala, did you
21 see other soldiers, or did you hear other troops, speaking during this period?

22 A. I didn't see another armed group in the locality.

23 Q. Thank you. In reply to the question of the Defence with regards to the
24 presence of other forces, and here page 22, real-time transcript of today, lines 24 to 27,
25 you stated the following: "I understood because of the language they were speaking

1 and from their accents I was able to know that they didn't come from Congo-Brazza.

2 The Lingala that they spoke was not the Lingala spoken in Congo-Brazzaville."

3 Could you please, Witness, give clarification with regard to the accent of these troops
4 who according to you did not come from Congo-Brazza?

5 A. To my knowledge, my country borders on the other country. The soldiers who
6 invaded our locality spoke very quickly and they just took decisions. They
7 considered themselves to be the authorities, major figures. However, those from
8 Congo-Brazzaville speak slowly, calmly, and this is what made me understand that
9 the attackers were from Congo, Congo opposite the Central African Republic; that is
10 to say the other side of the river.

11 Q. Witness, yesterday - and this is in transcript, edited version, page 15, line
12 3 - you spoke about a man who was shot and then he was buried in the main
13 cemetery of the locality. Who shot this man? Who buried his body and when?

14 A. When they killed this man -- well, I would like to make a clarification. He was
15 killed by his attackers. His body remained on the compound. It was his own
16 children who dealt with the body in order to bury it.

17 MS DOUZIMA LAWSON: (Interpretation) Thank you, Witness.

18 Your Honour, I have a question to put, but I would ask for leave to ask this question.

19 What makes me want to ask this question is the use of the Lingala language which
20 the Defence -- the use of the Lingala language by the witness which the Defence
21 seems to be questioning. The aim of this isn't to ask the witness to say words in
22 Lingala so that they be translated to see if she has understood it exactly, but it is just
23 so that she can say words in Lingala, for example how she replied to her attackers
24 who asked her to indicate the port where the border is with the DRC, and it's just in
25 this regard that I would like to ask her to repeat exactly what they said to her and

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1 what she replied to them.

2 PRESIDING JUDGE STEINER: I can hear from Defence, but Maître Douzima, since
3 we don't have Lingala translators or interpreters here in the Court I am -- but in any
4 case, Mr Haynes.

5 MR HAYNES: Well, I don't need to say anything. You have said exactly what I
6 was thinking. It's a meaningless exercise without Lingala interpreters in the booth.
7 I know there might be those around who speak Lingala, but if we get into a
8 disagreement about what she said then where do we go? So -- and in any event the
9 fact that she can repeat one phrase in Lingala we do not accept gives any indication of
10 her level of comprehension or speaking ability.

11 PRESIDING JUDGE STEINER: I don't think we are going so far in the present
12 hearing in order to conclude whether the witness can speak Lingala or not but, Maître
13 Douzima, as a matter of fact this exercise you are proposing would lead to no
14 consequence because we don't have Lingala interpreters, so I would prefer that no
15 questions on the ability of the witness to speak or understand Lingala were put.

16 MS DOUZIMA LAWSON: (Interpretation) Thank you, your Honour. I wanted
17 to demonstrate the competence of this witness in Lingala, but as the Defence has said
18 it's of no importance, I'd like to thank you. I have finished there.

19 PRESIDING JUDGE STEINER: Thank you, Maître Douzima.
20 Mr Haynes?

21 QUESTIONED BY MR HAYNES:

22 Q. Madam, just one question. How many times in your whole life have you been
23 to Congo-Brazzaville?

24 A. I haven't been to the town centre of Brazzaville, but we are just next to the
25 border and those from there come across to our country and that's how I was able to

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1 understand the difference in their way of speaking Lingala. There are Congolese
2 women who are married to Central Africans and that is how I understood the
3 difference that there can be in the way that they speak.

4 Q. But isn't Congo-Brazzaville a nine-day boat ride from Mongoumba?

5 A. Those who go there say that they spend a certain number of days before
6 arriving there.

7 MR HAYNES: Thank you very much.

8 PRESIDING JUDGE STEINER: Madam Witness, that concludes your testimony
9 before this Chamber. Before you leave, Madam Witness, I want as with all other
10 witnesses of the case to express the thanks of the Judges for the time and trouble that
11 you have taken to come to this country and give evidence at this trial.

12 In order for the Judges, madam, to find the truth in this case, it is critical that
13 witnesses such as yourself are prepared to give evidence to assist us on the relevant
14 issues of the case and we are aware, madam, that this will certainly have been
15 inconvenient for you. You left your country, your family. You travelled a long
16 journey. You stayed here for many days. You stayed in the courtroom answering
17 to questions morning and afternoon.

18 You therefore, madam, leave us now after giving your testimony in order to go home
19 with the thanks of the Court, and before you leave, madam, the Chamber would like
20 to ask whether there is anything you would like to tell us. You have now the
21 opportunity to address the Chamber, if you so wish?

22 THE WITNESS: (Interpretation) Your Honour, I don't have much to say to you.

23 I'd like to take this opportunity to thank you in turn, because you took care of me and
24 I'm going to go back home with a good memory.

25 I do hope that God almighty gives me strength and support. I pray that he helps me.

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1 And I would like to say something. This opportunity has allowed me to explain
2 what I experienced, to express my emotions. I was able to travel all the way to The
3 Netherlands to explain to you all of that and this has been a form of relief for me.
4 I do have a request for the Presiding Judge. Your Honour, I am a human being. I
5 beg of you please ask the Head of State of this country, of the country that sent the
6 soldiers to our country to mistreat us, to take care of me. I want to receive
7 compensation so that I can take care of my children.

8 I thank you, your Honour.

9 PRESIDING JUDGE STEINER: We thank you very much, Madam Witness, and I
10 ask now the court usher to accompany the witness outside the courtroom. The
11 witness will be taken care by VWU and clarify any doubts the witness may have.
12 Thank you very much, madam.

13 (The witness is excused)

14 PRESIDING JUDGE STEINER: We will start this afternoon with the questioning of
15 Witness CAR-V20-PPPP-0001 (sic), who's dual status victim a/1317/10, that for the
16 ease of reference we'll be calling "V2."

17 Before we go into the break, the Chamber has two oral decisions. The first is an oral
18 decision on the application of Maître Zarambaud to question Witness V2.

19 On 1 May 2012, the Chamber received an application from Maître Zarambaud on
20 behalf of the victims that he represents to question Witness V2. It's filing 2197-Conf.
21 The application contains a list of seven sets of questions. The parties have not filed
22 any responses to this application. By filing its application on 1 May 2012, Maître
23 Zarambaud failed to comply with the seven-day time limit established in the
24 Chamber's decision of 12 July 2010, decision 807-Corr.

25 In this respect, Maître Zarambaud explains that the late filing is due to unforeseen

1 circumstances during his return journey to The Hague from a mission in Bangui.

2 The Chamber is of the view that this constitutes a valid justification in accordance
3 with Regulation 35(2) of the regulations of the Court and therefore accepts his
4 application to question the witness.

5 Turning to the merits of the application, the Chamber considers that Maître
6 Zarambaud has provided sufficient justification as to why the personal interests of
7 the victims that he represents are affected. The testimony of the witness relates to
8 the crimes of murder, rape and pillage allegedly committed in Sibut which directly
9 affects a number of victims represented by Maître Zarambaud. For this reason, the
10 Chamber grants Maître Zarambaud's application to question the witness and allows
11 him to ask his questions as set out in his application.

12 The second oral decision of the Chamber refers to special measures for Witness
13 CAR-V20-PPPP-0001 (sic), which is V2. This morning the Chamber received the
14 report from VWU's psychologist which recommends that the witness is provided
15 with reading assistance and that he is given the opportunity to answer to
16 questions - to some questions - in closed or private session in case he fears that his
17 answers will put family or community members at risk.

18 In accordance with Rule 88(1) of the Rules of Procedure and Evidence, the Chamber
19 recommends -- the Chamber grants the recommended special measures and due to
20 the witness's fear for security and well-being of his family members the Chamber
21 asks parties and participants if they are to put any questions relating to the harm
22 suffered by other members of witness -- of the witness to do it in private session.

23 In addition, the report recommends possible measures as regard the mode of
24 questioning by counsel based on the needs and capacity of the witness. The
25 Chamber again supports the suggestions that counsel should try to use short, simple,

1 open-ended questions. The Chamber will closely observe the witness and if
2 necessary will break more frequently.

3 Finally, there was a request by Mr Haynes that part of today's transcript that was
4 taken in closed session be reclassified as public, and we are talking about page 22, line
5 7, to page 24, line 15. I ask first Maître Douzima whether she has any objection and
6 then Prosecution. Maître Douzima?

7 MS DOUZIMA LAWSON: (Interpretation) No objection, your Honour.

8 PRESIDING JUDGE STEINER: Mr Bifwoli?

9 MR BIFWOLI: No objections, your Honour.

10 PRESIDING JUDGE STEINER: The Chamber therefore orders the Registry to
11 reclassify the mentioned pages and lines into public. And just to complete, as
12 pointed out by Judge Aluoch, page 46.

13 So the Chamber asks parties and participants if they are to put any questions related
14 to harm suffered by other members of the witness's family to do it in private session.
15 Mr Haynes?

16 MR HAYNES: Just a small point. Given the extraordinarily late filing of
17 Mr Zarambaud's request to put questions to this witness, if necessary - and I'm not in
18 any way flagging up any anticipated objection - would you give the Defence leave to
19 make oral objections during the course of his questioning of the witness?

20 PRESIDING JUDGE STEINER: In principle, Mr Haynes, the Defence would be
21 allowed to do that, in principle.

22 MR HAYNES: Thank you very much.

23 PRESIDING JUDGE STEINER: We are going now to suspend for the lunch-break.
24 We will resume at 2.30 with the beginning of testimony of Witness V2. The hearing
25 is suspended.

1 THE COURT USHER: All rise.

2 (Recess taken at 12.45 p.m.)

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

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

5 PRESIDING JUDGE STEINER: Good afternoon and welcome back. We will start this
6 afternoon with the questioning of the second witness called by legal representatives -- by
7 legal representative of victims. Before we call the witness, the Chamber has another
8 short oral decision that needs to be issued.

9 By email of 3 May 2012, Maître Douzima provided the Chamber with an additional
10 document relating to the testimony of Witness V2, Witness CAR-V20-PPPP-0002. In this
11 email, Maître Douzima further suggested a number of redactions to be implemented in
12 case the Chamber decides that disclosure of the document is warranted. Having
13 reviewed the document at issue, the Chamber is of the view that it should be disclosed to
14 the parties without delay.

15 Concerning the redactions proposed by Maître Douzima, the Chamber orders the
16 following modifications:

17 First, the Chamber considers that the proposed redactions in the first three paragraphs are
18 unfounded and therefore decides that these paragraphs should remain unredacted and be
19 disclosed to the parties in an unredacted form.

20 Second, the Chamber grants the proposed redactions in paragraph 10.

21 Third, and finally, the Chamber is of the view that further redactions are warranted in
22 paragraphs 10, 12 and 13 in order to protect the identity of third parties that are
23 mentioned in the document and that could be put at risk in case their identities are
24 revealed without their knowledge and consent. For this reason, any titles and names
25 mentioned in these paragraphs shall be redacted.

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1 Accordingly, the Chamber instructs Maître Douzima to implement the redactions as
2 specified and to upload the redacted version into the eCourt by the end of today.

3 Pending upload into the eCourt, a courtesy copy should be provided to the parties
4 without delay.

5 Since the witness - the next witness - is going to testify without in-court protective
6 measures, I ask, please, court usher to bring the witness into the courtroom.

7 (The witness enters the courtroom)

8 WITNESS: CAR-V20-PPPP-0002

9 (The witness speaks Sango)

10 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness. Welcome. Mr Witness,
11 could you please speak a little bit louder? We could not hear your answer.

12 THE WITNESS: (Interpretation) Good afternoon, Madam President.

13 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness. You are most welcome
14 into this courtroom. You have been called by your legal representative, Maître Douzima
15 Lawson, to give testimony before this Court, and before we start with your testimony I
16 will ask the court officer to facilitate you taking the oath by reading out the words of the
17 oath for you please to repeat. Court officer, please.

18 THE COURT OFFICER: Yes, Madam President. "I solemnly declare" --

19 THE WITNESS: (Interpretation) I solemnly declare --

20 THE COURT OFFICER: -- "that I will speak the truth" --

21 THE WITNESS: (Interpretation) -- that I will speak the truth --

22 THE COURT OFFICER: -- "the whole truth" --

23 THE WITNESS: (Interpretation) -- the whole truth --

24 THE COURT OFFICER: -- "and nothing but the truth."

25 THE WITNESS: (Interpretation) -- and nothing but the truth.

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1 PRESIDING JUDGE STEINER: Thank you, court officer.

2 Mr Witness, now that you have taken the oath --

3 THE WITNESS: Merci.

4 PRESIDING JUDGE STEINER: Now that you have taken the oath, can you confirm
5 that you understand what the oath means?

6 THE WITNESS: (Interpretation) Yes, I understand the importance of the oath.

7 PRESIDING JUDGE STEINER: Do you understand it to mean that you must give
8 answers to questions asked of you that are true and accurate to the best of your
9 knowledge and belief?

10 THE WITNESS: (Interpretation) I did not come here to lie. I have come to speak the
11 truth.

12 PRESIDING JUDGE STEINER: Mr Witness, you will be testifying in open session and
13 with your identity known to the public. However, there are other victims - or alleged
14 victims - whose identities are not known. Therefore, I ask you that whenever you need
15 to refer to any other --

16 THE WITNESS: (No interpretation)

17 PRESIDING JUDGE STEINER: I was explaining, Mr Witness, that whenever you need
18 to mention the name of any other victim you let us know because then we can go into
19 private session. In private session the public cannot listen to what you say and then you
20 can speak freely, but in open session try to avoid mentioning names of other persons,
21 other victims, relatives of yours, this kind of information. Do you understand me, sir?

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

23 PRESIDING JUDGE STEINER: Mr Witness, you will be questioned first by your legal
24 representative, Maître Douzima Lawson. After Maître Douzima, Maître Zarambaud,
25 who is also a legal representative of victims, is going to put some questions to you. He

1 was authorised by the Chamber. Then the Prosecution will put some questions to you,
2 and finally the Defence will question you.

3 At any moment, Mr Witness, you feel that your answers might put your family or
4 members of your community at risk you should let the Chamber know in order that we
5 order the court officer to turn into closed session, as I explained to you.

6 Also, Mr Witness, as you can see, you are going to give your testimony in your language,
7 in Sango. There are some persons in this courtroom that speak French; others that speak
8 English. For that reason we have interpretation.

9 In order to allow the interpreters to do their job, it is important that you speak slower than
10 normal, as I am doing now, as to allow the Sango interpreter to translate what you say
11 into French, then the French to be translated into English and the questions that are put to
12 you in French to be translated into Sango. So it's very important, Mr Witness, that you
13 speak very slowly.

14 It is possible, because that seems unnatural, that you start speeding up. Then I will have
15 to interrupt you and ask you to slow down again. Please don't take offence. That
16 should not discourage you from speaking. It is just for practical reasons. Do you
17 understand that, sir?

18 THE WITNESS: (Interpretation) Yes, I do.

19 PRESIDING JUDGE STEINER: Mr Witness, I have some questions to put to you.

20 During the familiarisation process, have you been given the opportunity to read or have
21 read to you the statement or statements that you made to the Court?

22 THE INTERPRETER: From the Sango booth, could the witness be requested to repeat his
23 answer and also to observe the five-second rule? Thank you.

24 THE WITNESS: (Interpretation) I have had the opportunity to listen to my statement.
25 It was read back to me.

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1 PRESIDING JUDGE STEINER: Mr Witness, at the time when you made the statement
2 did you do so voluntarily?

3 THE WITNESS: (Interpretation) I was never forced to make a statement. If that had
4 been the case I would never have appeared before this courtroom.

5 PRESIDING JUDGE STEINER: Mr Witness, is the information that you provided in your
6 statement true and accurate to the best of your knowledge and understanding?

7 THE WITNESS: (Interpretation) All the information provided is accurate, and I'm
8 lucky enough to be present in the Court and I am ready to provide any additional
9 information.

10 THE INTERPRETER: Request from the Sango booth, could the witness be advised to
11 please observe the five-second rule? Thank you.

12 PRESIDING JUDGE STEINER: I will do it. Mr Witness, you provided to your legal
13 representative also with a rectification of some parts of your statement. Is this
14 rectification also true and accurate to the best of your knowledge and belief? And please
15 wait a little bit before you give your answer in order to allow the interpreters to finish the
16 interpretation. You can answer, sir.

17 THE WITNESS: (Interpretation) I did not provide additional information. I simply
18 made some corrections, some rectifications, to information which I thought was incorrect
19 or which did not properly convey the statement as I had initially made it.

20 PRESIDING JUDGE STEINER: Can you confirm, then, that these rectifications reflect a
21 true and accurate statement of what happened?

22 THE WITNESS: (Interpretation) I told you that I didn't bring new information to it.
23 My statement was not completely transcribed. That's the clarification. I didn't give new
24 information.

25 PRESIDING JUDGE STEINER: We understand that, Mr Witness.

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1 Mr Witness, in case the parties, the legal representatives or the Chamber intend to use
2 your statement and the rectification as evidence in this case, do you have any objection?

3 THE WITNESS: (Interpretation) I would have no objection on the condition that this
4 statement reflects what I said previously.

5 PRESIDING JUDGE STEINER: Mr Witness, before I give the floor to Maître Douzima, I
6 want or I need to ask you to respect what we call a five-seconds golden rule. This rule
7 says that whenever someone, any of the parties, put a question to you, before you start
8 giving your answer you wait five seconds - you can count up to five - because this is the
9 time needed by the Sango interpreter to finish the interpretation. Do you understand
10 that, sir?

11 THE WITNESS: (Interpretation) I understand.

12 PRESIDING JUDGE STEINER: Thank you very much, sir.

13 I will now give the floor to Maître -- Mr Haynes, you will receive the document soon - the
14 rectification - if that's the point?

15 MR HAYNES: It is the point and my submission is that the witness's evidence should
16 not start until we have seen it. I now have worked out from what has passed between
17 you and the witness what it is we are expecting to see, and it appears to be an amended
18 statement.

19 PRESIDING JUDGE STEINER: Mr Haynes, the Chamber is not here to conceal any
20 information from the Defence. I am saying that it's a rectification of a few parts of the
21 statement. Since Maître Douzima is the first one to start questioning the witness, there
22 will be no prejudice at all to the Defence if Defence receives this page of rectification by
23 the end of the day.

24 Maître Douzima, you have the floor.

25 MS DOUZIMA LAWSON: (Interpretation) Thank you, your Honour.

1 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation)

2 Q. Witness, good afternoon.

3 A. Good afternoon.

4 Q. Would you be so kind throughout your questioning if I could call you "Mr Witness"?
5 Would that be agreeable to you?

6 A. My name is Judes and I'd like to be called by my first name.

7 Q. That is understood. I will call you "Mr Judes." Is that okay by you?

8 A. I agree.

9 Q. Mr Judes, we know each other. I shall remind you of my name: Counsel
10 Marie-Edith Douzima Lawson, legal representative of victims in the proceedings which
11 we are dealing with here, that is to say the trial against Jean-Pierre Bemba Gombo, and I
12 also represent you as a victim.

13 I'm not going to go back over all the advice that the President gave you, but I would like
14 to stress a couple of points: To respect the five-second rule to make it possible for all the
15 parties and everybody to be on the same wavelength; that is to say you shouldn't hurry in
16 answering my questions. Please wait until I've finished -- finished asking my question.
17 Wait a few moments before answering the question.

18 Secondly, there will be the names of certain people that aren't known, but that you know.
19 If you have to mention names please would you be so kind as to point this out such that
20 we can go into private session, because to our knowledge you have not had the
21 authorisation from these people to mention their names in public here.

22 I would also like to point out that the questions that I will put to you will deal with your
23 statement; the statement that you made for me and which I presented to the Chamber.
24 These questions will be why, how, when, that type of nature. I will ask these questions
25 not for myself, but such that the Chamber may understand the facts, understand your

1 testimony, understand what happened.

2 I would also perhaps ask some questions with regards to your participation form. To
3 remind you, in 2010 you were asked to fill in a form in order to be admitted as a victim in
4 these proceedings and, in accordance with your answers to my questions, I may present
5 some video sequences or photographs, things that you haven't yet seen, to enable us to
6 understand certain things.

7 Now, Mr Jude, we are going to go into your identification to see that it really is Mr Jude
8 who is there before their Bench. If, Witness, you would be so kind as to give your
9 surname?

10 A. I'm called Mbetingou, Jude.

11 Q. Is Jude your first name?

12 A. (No audible response)

13 Q. Mr Jude, I didn't hear your answer. Is Jude your first name?

14 A. Jude is indeed my first name. I am Mbetingou, Jude.

15 Q. When were you born? Please give us your date of birth.

16 A. I was born on 20 May 1948. I am 63 years old.

17 Q. Where were you born?

18 A. I was born in Sibut.

19 Q. What is your nationality?

20 A. I am Central African from the Central African Republic.

21 Q. Are you married?

22 A. I'm not married, but I have a spouse.

23 Q. Do you have children?

24 A. I have 13 children; eight girls, five boys.

25 Q. Did you have these 13 children with your wife?

- 1 A. Yes, I had these 13 children with this one woman.
- 2 Q. What ethnic group are you from?
- 3 A. I am Mandja.
- 4 Q. What is your religion?
- 5 A. I go to the Aneb (phon) church. I am a deacon.
- 6 Q. What is your mother tongue?
- 7 A. I speak Sango and Mandja.
- 8 Q. Do you perfectly understand Sango?
- 9 A. I understand Sango very well.
- 10 Q. Apart from Sango and Mandja, do you understand other languages?
- 11 A. No. Other than these two languages, I don't understand or speak any other
- 12 languages.
- 13 Q. Where is Mandja spoken?
- 14 A. Mandja is spoken in Sibut.
- 15 Q. Is Mandja only spoken in Sibut or is it spoken in other towns of the Central African
- 16 Republic?
- 17 A. Even in Bangui Mandja's spoken, and in the same way in other cities or other towns
- 18 of the country it's also spoken.
- 19 Q. What is your profession?
- 20 A. I'm a tailor.
- 21 Q. What is your level of studies?
- 22 A. I stopped my studies at CE2 level. That is elementary course, second year.
- 23 Q. Where do you live?
- 24 PRESIDING JUDGE STEINER: Monsieur, don't mention your address but only the
- 25 locality where you live.

- 1 THE WITNESS: (No interpretation)
- 2 MS DOUZIMA LAWSON: (Interpretation)
- 3 Q. How long have you been living in Sibut for?
- 4 A. I was born in Sibut; I grew up in Sibut.
- 5 Q. Were you living in Sibut with all your family, your wife and children?
- 6 A. I live in Sibut with all my family.
- 7 Q. In 2002 and 2003 where were you living?
- 8 A. In 2002 and 2003 I was living in Sibut. I didn't go anywhere.
- 9 Q. During this period, 2002 to 2003, did anything happen in the town of Sibut?
- 10 A. Yes, an incident took place in 2003; 24 February 2003.
- 11 Q. What happened on 24 February 2003 in Sibut?
- 12 A. Well, we are here to talk about what happened on that day. The persons in
- 13 question came around 1300 hours, and there was panic in the town, and that is why we
- 14 are here today in this Court.
- 15 Q. Which people are you talking about?
- 16 A. The people who came from the other side of the river.
- 17 Q. Who?
- 18 A. These people spoke Lingala and they were called Banyamulengue. They were
- 19 short people.
- 20 Q. Were they civilians or soldiers?
- 21 A. These people were wearing military clothing; the clothing of the army of our
- 22 country. They also had military boots.
- 23 Q. Were they wearing any insignia, markings?
- 24 A. No, they weren't wearing insignia.
- 25 Q. What gender were they?

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1 A. There were more women than men.

2 Q. Were the women wearing the same uniform as the men?

3 THE INTERPRETER: The interpreter corrects; there were more men than women, not
4 women than men.

5 THE WITNESS: (Interpretation) Yes, the women were wearing the same uniform as
6 the men. They also had Rangers boots.

7 MS DOUZIMA LAWSON: (Interpretation)

8 Q. Did you have an idea with regards to how many there were?

9 A. There were many of them. They took over the whole area, the whole locality.
10 Some of them were wearing -- had a couple of Kalashnikovs on them. I couldn't count
11 them all, but I just know that there were many of them.

12 Q. How did they enter into the town of Sibut?

13 A. They entered into the town of Sibut by firing. They were firing. There were
14 gunshots everywhere. They were shooting heavy weapons around 1300 hours.

15 Q. Did you see them as they came into the town?

16 A. We just saw the bullets that were whizzing by. The sound of gunfire lasted
17 throughout the night, and then we saw the victims at the hospital, including the father
18 who was killed towards Bambari road. We went and we saw his corpse at the hospital
19 and we had a meeting with them.

20 Q. (No interpretation).

21 A. I was in my workshop, that is in the central area of Sibut. And then I turned off the
22 television and I went to look for my family, and I looked at them and I saw that my wife
23 and my children had already fled.

24 Q. Do you know where your wife and children fled to?

25 THE INTERPRETER: Interpreter correction: The earlier question was, "Where were

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1 you when these men made their entrance into Sibut?"

2 THE WITNESS: (Interpretation) I don't know where they took refuge. It was only
3 the next day - the next day - that the people, the attackers, called upon us and called to us,
4 telling us to leave our hiding places, and that is when I met up again with my spouse and
5 my children.

6 MS DOUZIMA LAWSON: (Interpretation)

7 Q. Well, how did you know that these attackers were Banyamulengue?

8 A. How could I not know? I'm telling you. Their leader, I don't have his name in
9 mind, he held a meeting with us at the town hall, and during that meeting he told us that
10 his president was going to come and visit the town of Sibut, which they had liberated.
11 Their leader was called Cercueil and he said that Patassé had given him orders to come
12 and burn the town to the ground, but he got to the town and saw that it wasn't the case
13 and he spared the town. He told us that his president was going to come and check that
14 the town had indeed been liberated before they withdrew, and so that is how it came to be
15 that their president came the next day, to see what had happened, and when he was
16 visiting he saw a woman at the market-place. He bought some biscuits from her.
17 People took some photographs of this event and then he went away.

18 THE INTERPRETER: "And he left by helicopter," adds the Sango interpreter.

19 MS DOUZIMA LAWSON: (Interpretation)

20 Q. Witness, we are going to get back to those details a little bit later. Now, you said
21 that their leader, whose name was Cercueil, gave you to understand that they had been
22 sent to Sibut to liberate the town. What problem was Sibut having and why -- so why
23 was it that this town was being liberated?

24 A. Earlier the rebels had been based in Sibut before they withdrew and went towards
25 Dekoua, so you see we were all by ourselves. The rebels were no longer in Sibut when

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1 they came.

2 Q. What rebels are you talking about?

3 A. Bozizé's rebels.

4 Q. Where did these rebels come from?

5 A. These rebels had come from Kabaganbondo (phon). They did not have a lot of
6 ammunition, not a lot of weapons. They were waiting for reinforcements from their
7 leader, but they came from Dekoua. They weren't in Sibut.

8 Q. Where did Bozizé have these rebels?

9 A. It was because of Bozizé. That is why these people had come and committed these
10 atrocities, but Bozizé's rebels weren't in Sibut. They were no longer in Sibut, rather they
11 were in Dekoua, but it was because of these rebels that we were subjected to these
12 atrocities.

13 Q. What did these rebels do to you when they were in Sibut?

14 THE INTERPRETER: Interpreter correction: The place name mentioned earlier was
15 Kaga-Bandoro.

16 THE WITNESS: (Interpretation) The rebels did nothing to us. They did nothing to
17 us. As soon as they became aware that the attackers were heading towards Damara, they
18 withdrew to Dekoua.

19 MS DOUZIMA LAWSON: (Interpretation)

20 Q. What were these rebels doing in Sibut?

21 A. They did nothing. They had set up their base at an inn, the Sokambi inn. Cercueil
22 had even said that he had come to settle their scores, but they had already left before he
23 arrived.

24 Q. Now, when those rebels withdrew from Sibut, how long was it after when the
25 Banyamulengue burst into the town of Sibut?

1 A. The Banyamulengue arrived about one week after the departure - the
2 withdrawal - of Bozizé's rebels.

3 Q. Now, you say that their leader, Cercueil, held a meeting with you. Now, how did
4 he send out a call to people? How did he summon you all to come and attend this
5 meeting?

6 A. He had weapons. He was entitled to do that. He called for an assembly. If we
7 didn't do what he said, he could have massacred us. During the meeting he said that the
8 president had given instructions to them, telling them to burn the town to the ground, and
9 he had come, he had seen the situation and he decided not to burn the town to the ground.
10 Cercueil spoke Sango very well.

11 Q. When the Banyamulengue entered the town of Sibut, you say that your wife and
12 your children fled. Did you flee as well?

13 A. Yes, I too fled. I crossed the river and took refuge on the other side, after they sent
14 out this call summoning people to this meeting, and I left my hiding spot at about nine
15 and I actually went and saw the body, the body of the father, and I also saw the rapes and
16 the rape victims in the hospital. There was no longer any authorities in the town. Only
17 volunteers from the Red Cross were operating at the hospital. There were no doctors, no
18 nurses. Everyone had fled.

19 Q. Mr Judes, you have said that everyone fled, including the authorities, so how did
20 Cercueil manage to summon you to this meeting?

21 A. After one day had gone by he called upon us and asked us to go to the fields, to the
22 countryside, and bring back some products, and so he gave a megaphone to one person
23 who lived in the locality who asked all the inhabitants to come to the town hall and he
24 said that Patassé had given them an order to burn the town down because they were all
25 deemed to be rebels. From his point of view he hadn't seen all of that, but his president

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1 was supposed to come and visit the locality. And so he came by helicopter. This was a
2 blue helicopter, blue and white. They landed.

3 THE INTERPRETER: The Sango interpreter would like to ask if the witness could slow
4 down, please.

5 THE WITNESS: (Interpretation) The president asked --

6 MS DOUZIMA LAWSON: (Interpretation)

7 Q. I'm sorry to interrupt you, but I believe you've forgotten the instructions that you
8 were given at the beginning of the hearing and the interpreters have mentioned that you
9 were speaking too quickly.

10 A. Agreed. Yes, I see. I understand.

11 Q. Now, at this meeting, were authorities present as well?

12 A. There were a few inhabitants, but there were no authorities. There was just the
13 former mayor, Ms Molombo (phon), who was present. There were no other authorities
14 from that locality.

15 Q. Now, before Cercueil summoned you to this gathering, this meeting, did the
16 Banyamulengue come in firing heavy weapons? What did they do in the town before
17 they summoned you to this gathering?

18 A. They broke down all the doors. They took all the foam mattresses, kitchen utensils.
19 They tore various things down.

20 Fortunately there was a project that was undertaken to issue the birth certificates of the
21 children. I believe they -- they just spread disorder everywhere. No house was spared.
22 They made a mess of everything. I believe there were three convoys from the locality all
23 the way to *Possel.

24 They had vehicles and, you see, the steering wheels were on the right, and these vehicles
25 were going back and forth between Possel and the locality.

1 MS DOUZIMA LAWSON: (Interpretation)

2 Q. The doors and the windows of the houses were broken as well, and did you yourself
3 have goods or possessions looted?

4 A. I think I told you that we will never forget what we were subjected to. These
5 things are etched in one's mind. I don't think you can just complain about your own fate
6 because everyone was subject to the same acts of violence, the same abuse. No one was
7 spared. I think that what's the most important thing for me are -- were my two machines,
8 but I -- you know, what was really important to me were my two machines. The other
9 things, the children's stuff, well, that was not as important.

10 Q. Now, during this meeting, did you talk to Cercueil?

11 A. Well, with what courage could Cercueil have said that? Rather, I think he said that
12 we had been lucky because our town had -- our village had not been burnt down, so I
13 don't think anyone could have had the courage to ask for the return of looted goods.

14 Q. Now, was this the leader who said his name was Cercueil?

15 A. I believe he gave his name in public. He said that it was his specialty to conduct
16 these missions. He didn't say it in private; he said this in public.

17 Q. What was his specialty?

18 A. I believe he said that he was the wizard of the group, or the warlock, because during
19 the fighting he put on the ritual clothes, he used a drum, and he would head up the troops.
20 The others would follow him. He was the leader.

21 Q. Now, you say that when you came back the next day, at 9 in the morning, you had
22 been to the hospital and you had seen the body of the man. Do you know who this man
23 was?

24 A. The man who had been killed was an ally of my father.

25 Q. How did you know that it was the Banyamulengue who had killed him?

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1 A. Those men with whom we had lived were known as the Banyamulengue. We had
2 coexisted with them.

3 Q. Now, my question is: How did you know that it was the Banyamulengue who had
4 killed him? I can rephrase my question. Were you told about this, or did you see them
5 shoot him and kill him?

6 A. The house of the father was located at the crossroad of the -- where the house of the
7 priest is and the house of the former mayor. He was shot and we went to his home to see
8 the corpse, and that was at about 1 in the afternoon. And, you see, we wondered why he
9 hadn't fled. The others had fled. His -- his son worked at the hospital, and people were
10 reproachful or criticised. Why had he not fled?

11 Q. Witness, you've answered my next question, actually. Other than the looting - the
12 systematic looting - that you mentioned of the possessions of the inhabitants of Sibut by
13 the Banyamulengue, other than their killing this man because he did not flee, other than
14 that, are you aware of anything else that the Banyamulengue did in Sibut?

15 A. I believe that there had been several cases of rapes of girls of ten years of age.
16 Some of them even died of this.

17 Q. Do you have any idea of the approximate number of cases of rape by the
18 Banyamulengue in Sibut?

19 A. No, I can't give a number, because the girls were ashamed, ashamed to state that
20 they had been raped by the Banyamulengue. They were afraid of being stigmatised.

21 Q. You said that the Banyamulengue deployed throughout the entire town of Sibut.
22 Were there cases of rape throughout the entire town of Sibut?

23 A. I believe that there were cases of rape from Domi (phon) and the Muslim
24 court -- neighbourhoods, Mbrés neighbourhood, the Mondwa (phon) Muslim
25 neighbourhood, Sara, Marba (phon), Darba (phon) 1, Darba 2, all the way to Kanga.

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1 Q. To your knowledge, how did these rapes occur?

2 A. I believe that one single woman was raped by a group of people; ten or 20 of them.
3 I believe it was unbearable.

4 Q. By any chance were you present when any of these rapes occurred?

5 A. Even if I were not present, those girls, when they were running, they were running
6 away naked, and we could see them running. Sometimes they had been held hostage for
7 two or three days before they were released.

8 MS DOUZIMA LAWSON: (Interpretation) I can see that it is time, your Honour, yes.

9 PRESIDING JUDGE STEINER: Mr Witness, Mr Judes, we will stop now for today. We
10 wish you have a very restful night. We will continue tomorrow morning at 9.30 in the
11 morning. Any needs you have, please do not hesitate in contact the representative of
12 Victims and Witnesses Unit that is in charge of giving you any kind of assistance.
13 I also remind Maître Douzima that we'll be waiting for the uploading on the eCourt of the
14 document and, before that, the distribution of the courtesy copy to the parties in relation
15 to the rectification of the statement.

16 I thank very much legal representatives, Prosecution team, the Defence team,
17 Mr Jean-Pierre Bemba Gombo. I thank very much interpreters and court reporters.
18 Again thank very much Mr Witness. I will ask court usher to take the witness outside
19 the courtroom.

20 In the meantime, we will adjourn and resume tomorrow morning at 9.30 in the morning.

21 (The witness stands down)

22 THE COURT OFFICER: All rise.

23 (The hearing ends in open session at 4.02 p.m.)

24 RECLASSIFICATION REPORT

25 Pursuant to Trial Chamber III's oral instruction dated 3rd of May 2012, the

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excerpt of the transcript page 17 line 20 to page 19 line 19 (*) is reclassified

from private session to open session.

CORRECTIONS REPORT:

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

*Page 20 lines 16 to 17

"Didn't I tell you that the vehicle was backing up? I told you that the tree was in
front of the vehicle, so I mean the vehicle was moving ahead." Is corrected by "I
didn't tell you that the vehicle was backing up. I told you that the tree was in front of
the vehicle, so, I mean, the vehicle was moving forward."

*Page 52 lines 23 to 25

"I believe there were three convoys from the locality all the way to --

THE INTERPRETER: Inaudible.

THE WITNESS: (Interpretation) They had vehicles and, you see, the steering wheels
were on the right, and these vehicles were going back and forth." Is corrected by "I believe
there were three convoys from the locality all the way to Possel.

They had vehicles and, you see, the steering wheels were on the right, and these vehicles
were going back and forth between Possel and the locality.