

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
6 Trial Hearing
7 Tuesday, 12 April 2011
8 (The hearing starts in open session at 9.35 a.m.)
9 THE COURT USHER: All rise. The International Criminal Court is now in session.
10 Please be seated.
11 THE COURT OFFICER: Good morning, your Honours, Madam President. We are in
12 open session.
13 PRESIDING JUDGE STEINER: Good morning. Could, please, the court officer call the
14 case.
15 THE COURT OFFICER: Yes, Madam President. Situation in the Central African
16 Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, case reference
17 ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you very much. Good morning and welcome
19 the Prosecution team, legal representatives of victims, Defence team, Mr Jean-Pierre
20 Bemba Gombo. Good morning to our interpreters and court reporters.
21 We will continue this morning with the questioning by the Defence of Witness 06 and for
22 that purpose I ask, please, the court usher to bring the witness in.
23 (The witness enters the courtroom)
24 WITNESS: CAR-OTP-PPPP-0006 (On former oath)
25 (The witness speaks French)

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- 1 PRESIDING JUDGE STEINER: Good morning, Witness.
- 2 THE WITNESS: (Interpretation) Good morning.
- 3 PRESIDING JUDGE STEINER: Did you manage to rest a little bit?
- 4 THE WITNESS: (Interpretation) I got enough rest.
- 5 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony, sir?
- 6 THE WITNESS: (Interpretation) I am ready.
- 7 PRESIDING JUDGE STEINER: Again, it is my duty to remind you that you are still
- 8 under oath. Do you understand that, sir?
- 9 THE WITNESS: (Interpretation) Entirely, your Honour.
- 10 PRESIDING JUDGE STEINER: Thank you very much. The Defence will continue with
- 11 your questioning this morning. I hope we can come to an end, as advanced by Maître
- 12 Kilolo, and you have the floor, Maître.
- 13 MR KILOLO: (Interpretation) Thank you, your Honour. Thank you for allowing me
- 14 to address the Court.
- 15 QUESTIONED BY MR KILOLO: (Interpretation) (Continuing)
- 16 Q. Witness, good morning.
- 17 A. Good morning, Counsel.
- 18 Q. We will continue this morning and we may be finished by 11, or at least we will be
- 19 finished by the end of this morning. At page 21 of the real-time transcript of 6 April 2011,
- 20 page 21, lines 9 to 14, you suggested that Colonel Moustapha apparently reported to
- 21 Mr Bemba regarding events occurring in the Central African Republic. Do you
- 22 remember telling the Prosecution that?
- 23 A. Yes, quite so, Counsel.
- 24 Q. Would it be correct to say that you personally did not witness these alleged contacts
- 25 between Colonel Moustapha and Jean-Pierre Bemba?

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1 A. That is correct, Counsel.

2 Q. Now, just for the record and for greater clarity, is it correct, if I put it in a different
3 way, that you did not claim to have been present during these alleged contacts between
4 Mr Jean-Pierre Bemba and Colonel Moustapha?

5 A. That is correct.

6 Q. Is it also correct that you were not aware of the actual substance of these alleged
7 contacts between Mr Jean-Pierre Bemba and Colonel Moustapha?

8 A. That's right.

9 Q. Would it be correct to say that you did not know either when, or at what particular
10 place, such contacts may have taken place?

11 A. That is correct.

12 Q. Would it be fair to say as well that you did not have access to the recordings of such
13 communications between Colonel Moustapha and Jean-Pierre Bemba?

14 A. That is correct as well.

15 Q. Were you present when Jean-Pierre Bemba visited the Central African Republic?

16 A. I was in Bangui, but not at the actual place that he visited. I was in the city of
17 Bangui, though.

18 Q. Is it correct to say that you do not claim to know what may have been said, possibly,
19 by Mr Jean-Pierre Bemba during this visit regarding the events?

20 A. That is correct. I don't know anything about what he said.

21 Q. Is it correct to say that you were not present either when a meeting occurred
22 between President Patassé and Mr Jean-Pierre Bemba?

23 A. That is correct.

24 Q. Consequently, would it be correct to specify that you were not able to acquaint
25 yourself with the substance of the conversation, or rather what President Patassé might

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1 have said to Mr Bemba, in any way?

2 A. That is correct.

3 Q. Would it be correct to say that you did not know exactly where Mr Jean-Pierre
4 Bemba was at the specific time when the MLC soldiers crossed with the alleged looted
5 goods to Zongo?

6 A. No, I do not know where he was.

7 Q. Have you ever been to Zongo?

8 A. No, not at all.

9 Q. Would it be correct to say that you are not familiar with the Zongo airport?

10 A. I have not crossed over to the town of Zongo, so I don't know the exact location of
11 the airfield.

12 Q. Is it correct that personally you were not able to see the Libyan aircraft take off from
13 the Zongo airfield?

14 A. That is true, but the information came from sources from the Bangui-M'Poko airport,
15 where that aircraft was not stationed.

16 Q. What kind of aircraft were the Libyans flying?

17 A. I tried to describe that. They were small aeroplanes, with a single engine, perhaps
18 two -- two to four seats. Small aircraft.

19 Q. Would it be correct to say that you were not able to verify for yourself to determine
20 whether such an aircraft could land in Zongo?

21 A. If you could please repeat your question, Counsel?

22 Q. Would it be correct to say that you yourself, you did not have an opportunity to
23 verify whether such an aircraft could land in Zongo?

24 A. I didn't check that point myself. The information in that regard came from the
25 record and also from the statement made by general number 1.

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1 Q. At the time of the events, did you see the regulations of the MLC with regard to the
2 Geneva Convention?

3 A. No.

4 Q. Did you have an opportunity to put questions to the commanders and the leaders of
5 the MLC regarding these specific issues?

6 A. No, they had left. They left as of 15 March 2003.

7 Q. Thus would it be correct to say that you have no knowledge of what measures might
8 have been put into effect by the MLC to simplify, or to popularise, the principles of
9 international humanitarian law so that the rank and file could understand?

10 A. No, I was not aware of such efforts.

11 Q. Did you see your house being looted?

12 A. I explained to you that during the events we had left the neighbourhood, and one of
13 my neighbours who lives opposite, who is now deceased, he remained behind and he saw
14 what happened and told me later. Nearly the entire neighbourhood was empty. A very
15 few courageous people stayed behind.

16 Q. Do you know the identity, that is to say the actual names, of the people who
17 allegedly looted your house?

18 A. No. The names of the people, no. You see, the description of the events were
19 given to me in a vague way; I was told about MLC people coming into PK12 and the
20 neighbouring area, PK11.

21 Q. Did a single member of the MLC -- were you able to identify a single member of the
22 MLC by his name and were you able to identify any such person as the actual person who
23 committed the crime?

24 A. Could you repeat your question?

25 Q. Would it be correct to say that you are not in a position to tell the Court the name of

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1 a single member of the MLC who would have been the person actually responsible for the
2 looting of your house?

3 A. I'm not in a position to give a specific name.

4 Q. Are you in a position to tell the Court the identity of this neighbour of yours, who
5 apparently gave you information about the people who looted your house?

6 A. I had provided his first name, but I -- I told the Court that I didn't know his full
7 name, but I will try to remember it and give it to you in a few moments.

8 Q. Did the ICC investigators ask you if you could put them in contact with this
9 neighbour to confirm what he said?

10 A. The neighbour had died well before that time, but I do believe that, when I gave my
11 statement to the investigators, I do remember -- perhaps they asked that question, but I
12 don't remember particularly well.

13 Q. No doubt you remember telling the Court that crimes allegedly were committed by
14 soldiers of the MLC? Do you remember that?

15 A. Yes, quite so. I remember.

16 Q. Are you in a position today to tell the Court the name of a single one of the people
17 who apparently or allegedly committed these crimes; people against whom you instituted
18 proceedings?

19 A. With regard to the actual people who committed the crimes?

20 Q. Yes, that's what I mean.

21 A. The MLC was -- the MLC were everywhere and I don't even know if they were
22 identified to the army headquarters. What happened was sort of a widespread
23 phenomenon and it was not possible to identify a single individual. To know the
24 surname, or the first name, or the birth date of one of the people who committed the
25 crimes, no.

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1 Q. Would it be correct to say that you did not have the mass graves dug up when you
2 conducted your inquiry?

3 A. No, I did not have the mass graves dug up.

4 Q. Did the ICC investigators ask you to take them to these mass graves so that they
5 could have access to them?

6 A. No, they asked questions about what I knew about that, and I gave them the
7 information and it was up to them to make use of the explanation. They did not ask me
8 to take them. I was a witness before them, so to speak, and I don't know whether my
9 presence at that particular place, at that mass grave, was allowed -- allowed them to work.
10 Certainly they must have done their work without me being aware of it.

11 Q. Witness, in your statement to the investigators from the OTP in Bangui -- and I make
12 reference to document CAR-OTP-0005-0108, paragraph 44, and I'd like to focus on one
13 particular passage, one part of your statement, and ask you the question after that. Now,
14 you said this, "The rapes and the looting don't seem to be -- it wouldn't appear that they
15 corresponded to a plan. The soldiers in the field behaved in a deviant manner in relation
16 to their mandate," end of quote. Now, can you confirm that point?

17 A. I confirm that.

18 Q. You spoke of the involvement of international organisations in the legal proceedings
19 and the investigations that were initiated in Bangui. Do you remember that?

20 A. Yes, I do.

21 Q. Now, this involvement of various international organisations in the inquiries, was
22 that important? Did that ensure an effective investigation?

23 A. Their involvement was important, to my mind, because the administration was not
24 organised, the State did not have many resources and these organisations did provide
25 assistance to the Ministry of Social Affairs, both financial and material resources, so that

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1 information could be gathered regarding the various cases that had been looked at.

2 Q. Do you remember saying that the proceedings that you initiated in Bangui were not
3 preceded by a preliminary investigation as is usually the case by the judicial police?

4 A. I recognise -- I acknowledge that.

5 Q. Is it correct that in practice, in terms of criminal procedure in the Central African
6 Republic, your initial or introductory application is usually based on a preliminary
7 investigation?

8 A. No, there are several possibilities here. The examining judge can have the matter
9 brought before him at the request of the Prosecutor of the Republic first of all on the basis
10 of a complaint, or rather a statement given. It may be a complaint, a complaint directly
11 given, and then the examining judge can receive a mandate. It is not absolutely
12 necessary to go through the judicial police. What I deployed in this particular case was
13 that, in light of the extent of the events that occurred, the Ministry of the Interior should
14 have tried to survey a certain -- a minimum number of people before bringing the matter
15 before the investigating judge. So it's not necessarily only on the basis of a statement
16 regarding -- or a report, rather, of a preliminary inquiry. That is not the only way under
17 Central African Republic law.

18 Q. Would it be correct to say that the inquiry that was to be conducted required major
19 resources; resources that the Central African Republic did not have, or at least within the
20 legal system of that country?

21 A. Yes.

22 Q. Now, this preliminary inquiry led by the Ministry of Foreign Affairs in cooperation
23 with a number of international organisations, was this inquiry essential to determine what
24 the victims had experienced in the field?

25 A. I would say so. For example, to take stock of the cases of rape, the committee in

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1 question focused on that to quite a great extent.

2 Q. Do you remember telling the Court that you had been informed that Mr Jean-Pierre
3 Bemba had sent a *letter to the United Nations regarding the events?

4 A. I certainly do remember that, yes.

5 Q. How did you learn about this *letter to the Secretary-General?

6 A. During the legal proceedings.

7 Q. Now, this Special Representative of the Secretary-General of the United Nations in
8 Bangui, was he the person who gave you that document?

9 A. No. I think some research was done, here and there, and it was the investigating
10 judge who found that document, this document. I'm sorry. The representative of the
11 Secretary-General of the United Nations, I can't say that it was he who gave me the
12 document.

13 Q. Were you contacted by the United Nations on the basis of this letter from
14 Mr Jean-Pierre Bemba with a view to providing information about the crimes of rape,
15 looting and murder?

16 A. No.

17 Q. Witness, you no doubt remember that the Office of the Prosecutor, who interviewed
18 you before ourselves, asked you a series of questions and asked you to refer to your
19 military knowledge on several occasions; do you remember that?

20 A. Yes.

21 Q. Do you remember that, in particular, you were asked to give your opinion on the
22 existence of a structure for penalties, administering penalties in the MLC?

23 A. Yes, I do.

24 Q. Is it right to say that under no circumstances do you claim to know how the MLC
25 was organised or structured?

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1 A. Yes, indeed.

2 Q. Witness, do you remember having stated to the Prosecutor's investigators that
3 among the people who committed abuses, in particular looting, there were in your
4 opinion a number of people from Zaire that were not MLC soldiers but who had come
5 directly from the Congo, taking advantage of the widespread confusion to loot; do you
6 remember that?

7 A. Yes, I do. I remember making that statement. They would all come along with
8 the MLC, in their various structures, and they were all members of the MLC.

9 Q. Witness, is it right to say that you have no documents in your possession, nor any
10 formal evidence, of the fact that these people from Zaire had enlisted with the MLC?

11 A. No, I don't have any document or any evidence on that topic.

12 Q. Witness, do you remember having gone to Kinshasa, together with the Minister of
13 Justice Mr Wanbaba (phon)?

14 A. No, that is wrong information. I remember that I was in Bangui when somebody
15 called me from France to say that the internet, the press, has released information
16 whereby you went to Kinshasa. I think that happened towards the end of 2010 and I
17 answered to him that I'd never been to Kinshasa with the Minister of Justice. I wasn't in
18 Bangui; actually, I had gone to Israel. I went on a pilgrimage to Israel at that very
19 moment when I was claimed to be in Kinshasa.

20 PRESIDING JUDGE STEINER: Maître Kilolo. Witness, I've been asked by the
21 interpreters for you to remember the five-second rule. You are giving your answer as
22 soon as Maître Kilolo finishes the question, and they are finding difficulties in following
23 you. So, please, the five seconds golden rule. Maître Kilolo.

24 MR KILOLO: (Interpretation) Thank you, your Honour, for making that clear.

25 Actually, we have almost finished with this witness. I have just a few questions now.

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1 Q. Witness, who pointed you Prosecutor for the Republic in Bangui?

2 A. I was appointed in 2003 by Mr Bozizé, the President of the Republic, as President of
3 the Senior Council of the Magistrates Association.

4 Q. Have you read the various reports published by NGOs relating to the crimes
5 committed in the Central African Republic that are attributed, some of those crimes, to the
6 rebels of President Bozizé?

7 A. When you talk about a number of crimes, what period are you talking about and
8 what is the conflict they're talking about, because I have indeed read many of these
9 reports. I need a little more detail to be able to answer you.

10 Q. Since you, yourself, have read the report perhaps you could enlighten the Chamber
11 in that respect?

12 A. That is why I am asking for details. I'm not trying to hide or conceal anything. I
13 would simply like to know, you asked me whether I've read the reports and whether I
14 was aware of certain infringements that are attributed to President Bozizé. In the Central
15 African Republic, there were a lot of military and political troubles and rebellions; there
16 are even some going on right now. So I would like your question to be a little bit more
17 precise so that I can give you a specific answer, please.

18 Q. Let's begin with the period going from 2002 to 2003.

19 A. So you're talking about the period 2002/2003. I have read reports, and the reports I
20 read tend to be those published by Human Rights Watch; the FIDH, that is -- I've
21 forgotten stigmatised; and there's also another FIDH report. These reports talk about
22 abuses committed both by soldiers and by rebels in -- during the conflicts that occurred in
23 the wake of the presidential elections of 2005. So there are a lot of reports on that, but as
24 regards 2002 and 2003, that you want to know about, I have no knowledge of reports on
25 that particular period.

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1 Q. Have you instituted proceedings, criminal proceedings, in respect of the events we
2 are talking about, between October 2002 and March 2003, against ordinary soldiers that
3 were involved in the rebellion of the current president, President Bozizé?

4 A. No, no.

5 Q. Do you remember that, when you made your statement to the investigators of the
6 ICC, before you actually began to make your statement, they asked you whether they
7 could convey to the Central African Republic government your statement, and you had
8 said "yes"?

9 A. Yes, I do. I do remember.

10 Q. As Prosecutor for the Republic, is it right to say that you are subordinate to the
11 Minister of Justice in the Central African Republic?

12 A. The Prosecutor for the Republic is part of the judges' hierarchy, which is very
13 stringently organised under the supervision of both the Minister for Justice and the
14 Prosecutor General.

15 Q. More specifically, is it right to say that you may sometimes receive positive
16 injunctions from the Minister for Justice of the Central African Republic?

17 A. Positive injunction, now, that's rather broad. The Prosecutor's office meets certain
18 very specific criteria. In its operation, the Prosecutor for the Republic has remit that
19 relates to facts and to the application of law. The Prosecutor may receive instructions
20 from the Prosecutor-General or from the Minister for Justice, but not execute them if he
21 realises that those instructions are either not written or because those instructions do not
22 actually go in the direction of applying the law. So I might receive orders from my
23 superiors and apply them, but I might also receive such orders and decide not to apply
24 them.

25 Q. Is it right to say that, in the case that we are concerned with, the Minister for Justice

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1 of the Central African Republic took the investigation report that was carried out in
2 cooperation with the Minister for Social Affairs, and which related only to the MLC
3 soldiers, and that he gave you a positive injunction to institute proceedings against the
4 troops of the MLC and that is what you did?

5 A. The minister may have given instructions. He is the Minister for Justice. A report
6 that came from the Ministry for Social Affairs cannot directly land on the desk of the
7 Prosecutor for the Republic. There's a whole administrative procedure that must be
8 abided by. A minister may write, but will go through the channel of his minister
9 colleague and, in the case of the infringements being ascertated (sic), the Minister for
10 Justice once he has received such a report must follow it up and must ask for an
11 investigation to be started so as to shed light on the particular file, and that is the context
12 in which I did receive instruction from my superiors to do that job.

13 MR KILOLO: (Interpretation) Witness, thank you very much for your excellent
14 cooperation. We have finished with our part of the examination, your Honour. Thank
15 you very much for your patience and your indulgence. Thank you.

16 THE WITNESS: (Interpretation) Thank you, Counsel.

17 PRESIDING JUDGE STEINER: Thank you very much, Maître Kilolo. I would like to
18 ask whether Prosecution intends to re-direct?

19 MR YILLAH: No, Madam President, the Prosecution does not intend to redirect.
20 Thank you.

21 PRESIDING JUDGE STEINER: Thank you, Mr Yillah. Just one second, I apologise for
22 making the parties wait.

23 I'm sorry, we are here dealing with issues related to the next witness's testimony.

24 Mr Witness, we come to an end to your questioning by the parties and participants. We
25 are very grateful to you for having travelled to The Hague to give your testimony before

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1 this Chamber. For, in order for the Chamber to find the truth, it's crucial that witnesses
2 like yourself are able, available and willing to come and to contribute with the Chamber in
3 order for the Chamber to analyse all evidence and find the truth in the present case.

4 Your evidence will, for sure, contribute importantly to our assessment of the entire
5 material in this case.

6 Before you leave the Court with our thanks, the Chamber would like to ask whether you
7 would like to address the Chamber on any issue? If you so wish, please feel free to do so.

8 THE WITNESS: (Interpretation) Thank you, your Honour. No, I have no particular
9 statement I wish to make to the Chamber but I, too, would like to thank the various
10 parties, the Prosecution, the legal representatives and the Defence team for the questions
11 that they asked me which enabled me to make my very modest contribution to
12 elucidating these proceedings before the Chamber. I think I have finished and I would
13 like to thank you again.

14 PRESIDING JUDGE STEINER: Thank you very much. The Court is very thankful to
15 you, and the Chamber wishes you a calm return to your country, and to your normal
16 professional and family environment.

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

18 (The witness is excused)

19 PRESIDING JUDGE STEINER: The Chamber is informed by court officer that Witness
20 229 is already in the Court and ready to start giving its testimony, so my question is to the
21 parties whether it would be agreeable to the parties if we suspend now for half-an-hour
22 and we resume at 11 o'clock, instead of 11.30? Prosecution?

23 MS KNEUER: Yes, Madam President, it is agreeable. The Prosecution will switch
24 teams and Mr Badibanga will lead the team for the Witness number 229.

25 PRESIDING JUDGE STEINER: Mr Haynes?

1 MR HAYNES: Of course it is convenient to us as well. Thank you very much.

2 PRESIDING JUDGE STEINER: So we will resume at 11 o'clock for one-and-a-half
3 hearing, and then in the afternoon we can also anticipate and start at 2 o'clock, instead of
4 2.30. I think that would be convenient for all parties.

5 At the beginning of next section at 11 o'clock, the Chamber will issue two oral decisions;
6 one related to the request by legal representatives to question Witness 229, the request in
7 principle is granted, but the Chamber needs to give instructions to legal representatives in
8 order to rephrase some of their questions, and the Chamber can advance that in order to
9 facilitate the questioning of Witness 229 the report of the witness that is annex A to filing
10 1089, of 20 December 2010, is reclassified as public.

11 The Chamber will issue the proper decisions at the beginning of next hearing, but it was
12 important just to communicate to parties and participants in order to facilitate their
13 preparation.

14 So we are going to suspend now and resume at 11 o'clock with the questioning of Witness
15 229.

16 This hearing is suspended.

17 THE COURT USHER: All rise.

18 (Recess taken at 10.26 a.m.)

19 (Upon resuming in open session at 11.07 a.m.)

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

21 PRESIDING JUDGE STEINER: Good morning again. Welcome back to this
22 courtroom. We'll start now with the testimony of Witness 229. He's an expert
23 called by the Prosecution. Before asking Dr André Tabo to come into the courtroom,
24 the Chamber, as said before, will issue two oral decisions. The first oral decision is
25 on the applications to question Witness 229 by legal representatives of victims.

1 On 2 March 2011, the Chamber received an application from Maître Douzima on
2 behalf of the victims that she represents to question Witness 229. It's filing
3 1317-Conf. The application contains a list of 13 questions.
4 Similarly, the Chamber received an application from Maître Zarambaud on
5 8 March 2011 on behalf of the victims that he represents, filing 1320-Conf. The
6 application contains a list of nine questions.
7 Having considered the reasons given by both Maître Douzima and Maître
8 Zarambaud as to why the personal interests of the victims that they represent are
9 affected, the Chamber allows both legal representatives of victims to question Witness
10 229 as set out in the aforementioned filings, except as regards certain questions that
11 will need to be rephrased, or to have their relevance explained to the Chamber, since
12 apparently they do not relate to the expertise of the witness, who is an expert on rape
13 as a tool of war.
14 In that respect, the Chamber asks Maître Douzima to please rephrase and explain the
15 relevance of questions 3, 11 and 12 of your list, and asks Maître Zarambaud please to
16 rephrase and explain the relevance of questions 1, 2, subquestions 2 and 3, and 5,
17 subquestions 2 and 6.
18 The second decision is related to the reclassification of Witness 229's expert report.
19 The Chamber has noticed that the report prepared by expert witness 229 was
20 disclosed by the Prosecution to the Defence as confidential.
21 For the purposes of facilitating the parties' and participants' questioning of Witness
22 229, and since in the view of the Chamber it does not appear that the information it
23 contains needs to be kept confidential and after receiving the views of the Prosecution,
24 the Chamber decides to reclassify the witness report as public. The expert report is
25 contained in documents CAR-OTP-0065-0023 (original French version) and

- 1 CAR-OTP-0065-0043 (English translation). Both are reclassified as public.
- 2 I now ask, please, the court usher to bring the witness in.
- 3 (The witness enters the courtroom)
- 4 WITNESS: CAR-OTP-PPPP-0229
- 5 (The witness speaks French)
- 6 PRESIDING JUDGE STEINER: Good morning.
- 7 THE WITNESS: (Interpretation) Good morning.
- 8 PRESIDING JUDGE STEINER: Welcome, Dr Tabo. We would like to thank you for
- 9 taking the time to come and give evidence before this Court. We understand that
- 10 you have an extremely busy personal and professional schedule and that you recently
- 11 had some health problems that we hope you have recovered. You are most
- 12 welcome.
- 13 Dr Tabo, first I suppose that somewhere in front of you there is a card which contains
- 14 the solemn undertaking. Could you please read out the words on the card. If need
- 15 be, the court usher can help you for that purpose.
- 16 THE WITNESS: (Interpretation) Solemn undertaking: I hereby declare that I will
- 17 speak the truth, the whole truth and nothing but the truth.
- 18 PRESIDING JUDGE STEINER: Thank you very much, Dr Tabo. You have
- 19 provided the Court with a report in French dated 12 December 2010 comprising 16
- 20 pages. To the best of your knowledge, are the contents of that report a true reflection
- 21 of your views impartially stated?
- 22 THE WITNESS: (Interpretation) Yes, your Honour.
- 23 PRESIDING JUDGE STEINER: Am I right in assuming that, as regards your report,
- 24 there's no difficulty in the entirety of that report being published publicly?
- 25 THE WITNESS: (Interpretation) This report is a technical report which can be

1 published, your Honour.

2 PRESIDING JUDGE STEINER: In addition to your report, Dr Tabo, you have
3 provided a curriculum vitae, an updated curriculum vitae, which are filings
4 H96-Conf-AnxB and 1248-Conf-AnxA respectively. Are you content for this
5 curriculum vitae to be made public as long as any personal details, such as permanent
6 address or telephone numbers or email addresses, are redacted?

7 THE WITNESS: (Interpretation) There's no problem in this, your Honour.

8 PRESIDING JUDGE STEINER: Thank you very much, Dr Tabo. As you may know,
9 since you went through the familiarisation process, you are going to be questioned
10 first by the Prosecution, then by the legal representatives of victims and, finally, by
11 the Defence team. Just before I give the floor to the Prosecution, there are some
12 ground rules that I'm afraid make sometimes the process somehow artificial.
13 You will see that on either side of our courtroom we have the booths with the
14 interpreters and stenographers and court reporters. They have a very difficult job,
15 particularly when judges, counsel or witnesses speak too quickly. So it's absolutely
16 critical, please, that you bear in mind that your delivery must be, without being too
17 slow, must be measured. If you start speeding up during the course of your
18 evidence, then I'm afraid I will have to interrupt you to ask you to slow down. So
19 don't take offence if I have to interrupt you. Do you understand, Dr Tabo?

20 THE WITNESS: (Interpretation) Yes, I understood, your Honour.

21 PRESIDING JUDGE STEINER: The last request, and this also relates to the difficult
22 job of our interpreters and court reporters, is that we need to make a pause after a
23 question is put to you and after your answer is given to the party or participant. We
24 used to call this the "five-seconds golden rule." It's just to give the interpreters the
25 time to finish their translation before they start with the following question or with

- 1 your answer. So, please, try to remember the five-seconds golden rule in order to
2 avoid that I have again to interrupt you. Is that fine with you, Doctor?
- 3 THE WITNESS: (Interpretation) Yes, that's fine, your Honour.
- 4 PRESIDING JUDGE STEINER: I was informed that Maître Badibanga is going to
5 start the questioning and, first, I would like you to introduce the members of your
6 team that are present in this courtroom today. Maître Badibanga.
- 7 MR BADIBANGA: Thank you, your Honour and Judges. With me today for the
8 hearing of Dr Tabo I have Madam Carl Bärbel, who is the deputy to the Prosecutor;
9 Ms Frédérique Besse, who is our case manager.
- 10 QUESTIONED BY MR BADIBANGA: (Interpretation)
- 11 Q. Good morning, Professor Tabo. As you know, my name is Jean-Jacques
12 Badibanga and it is my duty to conduct the questioning today. First of all, as the
13 Presiding Judge has indicated, the Chamber has been informed of your health
14 problems; and if you feel tired at any point, please do not hesitate to say so. We will
15 make a break and I'm sure that the Presiding Judge will agree to this.
- 16 Regarding today's discussion, we will follow the -- we will proceed as follows: First
17 of all, I will ask you to introduce yourself, then we will talk about your professional
18 training as a psychiatrist and then we will move on to the report itself which you have
19 submitted to the Court.
- 20 You will find that I speak slowly. I have made a personal effort in this regard, in
21 order to comply with the five-second rule and, thus, enable the interpreters and the
22 court reporters to follow the discussion.
- 23 Professor, if you're ready, we shall begin.
- 24 A. Yes, I'm ready.
- 25 Q. Would you please spell out your identity?

1 A. I am Dr André Tabo. I am a doctor, a specialist in adult psychiatry. I am the
2 Head of the Psychiatry Department of the National Hospital in Bangui in the Central
3 African Republic. I teach psychiatry and medical psychology at the University of
4 Bangui in Central Africa. In November 2010 I was awarded the Diploma of Agrégé
5 in Psychiatry, which is a national competition organised by the African Institute for
6 Higher Education.

7 Q. Thank you for this answer. I will be going back on some the information that
8 you have just given. At this point, I will simply ask some questions regarding your
9 identity and then we shall move on to your professional status in a few minutes.
10 Could you please give us your age and date of birth?

11 A. I'm 53 years old. I was born on 4 March 1958 in Tangbando, in the Central
12 African Republic.

13 Q. Thank you. Now, right away, and in order to move along at the correct pace,
14 you'll hear me in French so you can answer fairly quickly. So as I finish, please wait,
15 pause for five seconds. I shall continue. What is your nationality?

16 A. I am a citizen of the Central African Republic.

17 Q. Without giving the specific address, could you please say where you are a
18 currently resident, simply the city and the country.

19 A. I'm a resident of Bangui in the Central African Republic.

20 Q. Although you answered earlier, I'll go back on the previous question: What is
21 your professional activity?

22 A. I am a doctor and I am a specialist in adult psychiatry.

23 Q. Where do you practice?

24 A. I am the Head of the Psychiatry Department at the National University Hospital
25 at Bangui in Central Africa.

1 Q. How long have you been working as a doctor in psychiatry?

2 A. After graduating as a specialist in psychiatry in 1992 I worked for three years in
3 Benin, before going back to Central Africa where I worked for three years; and I went
4 to France where I practiced psychiatry for eight years, before returning to Central
5 Africa in 2005 where I practice psychiatry on a full-time basis.

6 Q. How long after your return to Bangui in 2005 -- when were you appointed as
7 Head of the Psychiatry Department?

8 A. As soon as I came back to Bangui in July 2005, I was appointed as the Head of
9 the Psychiatry Department in September 2005.

10 Q. (No interpretation)

11 A. * I qualified as a doctor of medicine in 1984, after which I specialised in psychiatry
12 in Benin and in France, and I obtained the certificate as a specialist in psychiatry and,
13 further to my stay in France, I underwent several training programmes in order to
14 obtain several university qualifications as a teacher of psychiatry.

15 MR BADIBANGA: (Interpretation) Your Honour, just to facilitate things, the
16 information that the witness is providing us with is also found on page 3 of his CV. I
17 didn't think it would be worthwhile to have that placed on the screen because
18 obviously the witness is familiar with this information.

19 Q. I can see on page 3 of your curriculum vitae -- I see a long list of various
20 diplomas. Could you tell the Chamber which diplomas you have earned, and if you
21 could restrict yourself to university training; other levels of schooling need not be
22 mentioned.

23 A. I was saying that after the baccalauréat I obtained a diploma as a doctor of
24 medicine from the University of Bangui. Then, after that, I went off and I earned a
25 certificate in adult psychiatry and, after spending some time in France, I took several

1 various courses of training at the university level, in particular a diploma in forensic
2 psychiatry in France, Paris South University. Also, I did training in Limoges, France,
3 in 2002 in geriatric psychiatry. I also did an inter-university course of training in
4 forensic psychiatry organised by a number of French universities in 2003. In
5 addition to these various university diplomas I also prepared and earned another
6 degree in Limoges and that led to three certificates in biology and in medicine.

7 Q. Thank you. Could you give us a few details about your accreditations or your
8 qualifications that you have received as a psychiatrist?

9 A. This competitive exam is offered to people who have graduated from various
10 courses of study. This exam is held every two years by the African and Malgache
11 Council for Higher Education, which includes 14 different countries from
12 francophone Africa, and this competitive exam represents a rather long process.
13 Candidates are asked to conduct scientific research, research which is published in an
14 international review, and then the candidate is placed on a list, an aptitude list, and
15 the year of the competition the candidate must fulfil a number of requirements; that is,
16 the person must have at least 25 internationally recognised publications. This
17 competition, or competitive examination, is organised for the various candidates who
18 have met the requirements and includes three particular tests: First of all, there is an
19 academic, a piece of academic work, and that is presented before a panel or a board
20 made up of people teaching in that particular field of endeavour; secondly, there is
21 another test -- actually, a teaching test. The person gives a lesson, so to speak, to the
22 board in 45 minutes; and the third part of the process is a practical component, and
23 the person examines a patient in the area of specialty before the board and at each
24 particular stage various marks are given and you must achieve a passing mark, that is
25 to say, a candidate may fail at any particular point in the process if the candidate does

1 not pass the particular component of the overall exam.

2 Q. When did you take part in this competitive examination?

3 A. In November 2010, in Lomé, Togo. That is when I was a candidate. That is
4 when I did this exam to become accredited.

5 Q. And what was the result?

6 A. After the various -- well, the three tests that I've spoken of before the Court I
7 passed, and now I hold a particular title, or I'm a specialist in adult psychiatry.

8 Q. I also noticed on your CV, and I believe it's at page 6, you mention a number of
9 learned societies that you belong to - four, actually. Could you tell us what this is all
10 about? Could you explain which particular association or society that you belong to
11 that is the most closely related to your specialty?

12 A. Indeed. I am a member of four learned societies; the Dakar Society of
13 Psychiatry, which was created in 1970 by psychiatrists, psychologists and
14 anthropologists working in Dakar and this association brings together within
15 francophone Africa several specialists in this area; psychologists, psychiatrists and
16 anthropologists.

17 I'm also a member of the French Language Psychiatry Society, which also includes
18 psychiatrists who ensure the good mental health of seniors. These two associations
19 are the ones that I'm most active in. These learned societies deal most directly with
20 my particular area of specialty.

21 Q. With regard to your professional experience, I gather that you are currently the
22 department head of the Psychiatric Department; is that right?

23 A. *Yes. I have been the head of the Psychiatric Department at the National Hospital
24 Medical Centre of Bangui since October --- September 2009 ---, sorry, since September 2005.

25 Q. Just to better understand, when you say that you're the department head, does

1 that mean you are responsible for administration mostly, or do you still treat patients
2 as part of your work?

3 A. The department head, the head of a department, particularly in the Central
4 African Republic, is the most senior doctor within the unit and as such, with the
5 director of the hospital, I take part in the management, the running of the hospital,
6 but above all I practise my profession. I see patients, I visit patients
7 nearly -- practically every day.

8 Q. We will be speaking in greater detail about your experience in the Central
9 African Republic, but could I ask you a few questions about your work in France.
10 You said that you practised there for eight years. Were you doing training or were
11 you practising as part of your -- a course of training or was it a particular job? Could
12 you explain exactly what you were doing during that period of time?

13 A. Yes. I worked in several hospitals in Paris where I practiced psychiatry.
14 After that I went to Limoges where I also practised as a psychiatrist and in particular I
15 received -- I did ongoing medical training and I was able to get some financial
16 support to continue my training and, indeed, earn an university diploma.

17 Q. Now, unless I'm mistaken, you also held and still hold an academic
18 appointment. Could you tell the Court about your academic work?

19 A. When I came back to the Central African Republic in 1995, I was appointed
20 *senior lecturer in psychiatry, at the University of Bangui and I taught the medical
21 students, as well as students studying other areas of medicine, I taught psychiatry to
22 them. *And, as such, upon my return to the Central African Republic,
23 I was appointed Head of the Internship Department by the dean of the faculty, where
24 I practised for one year. And now that I have been admitted to the faculty,
25 I've just been appointed Head of the Department of Medical Specialties

1 within the Faculty of Medicine. Once again, after being admitted,
2 I became the most senior physician within the Department of Medical Sciences, the
3 various medical specialties.

4 Q. You mentioned a number of subjects that you have been teaching to the
5 students, but you didn't mention what level you have been lecturing at. Are you
6 teaching first year students, or last year students?

7 A. I've been teaching medical psychiatry to first year students. As for psychiatry,
8 I have been teaching that in accordance with the programme adopted by the faculty
9 for areas -- fourth year. Also, I've been teaching students in other branches: Third
10 year nursing students and third year social worker -- social work students.

11 Q. I would now like to turn to your scientific work and your publications. In your
12 area of expertise, what research have you done? What scientific research have you
13 done?

14 A. I am the author or co-author of 30 publications, for the most part in the area of
15 psychiatry and neuroscience. The most visible publications have to do with
16 psychiatry, and I have published or taken part in the publishing of three
17 articles - three scientific articles - about sexual violence.

18 Q. Could you tell us more --

19 PRESIDING JUDGE STEINER: Maître, I am sorry to interrupt you. We were
20 waiting to see whether there is any problem with the English transcript. We don't
21 have your question, or the answer.

22 (Pause in proceedings)

23 PRESIDING JUDGE STEINER: So apparently we have a problem in the English
24 transcript, and my question is mainly to the Defence whether we can continue, or the
25 Defence prefers to wait until the problem is solved? Apparently, the French

1 transcript is working properly.

2 MR HAYNES: I'd prefer not to, to be perfectly honest. I've been waiting for it to
3 come back, but it's now gone three or four pages, I think, and we're starting to get into
4 some quite pertinent evidence.

5 PRESIDING JUDGE STEINER: Don't be so exaggerated, Mr Haynes. It's not three
6 or four pages, unless your transcript stopped before mine.

7 MR HAYNES: Mine stopped at page 32.

8 PRESIDING JUDGE STEINER: Yes, so let's wait then a little bit. Apparently
9 Courtroom 2 is facing the same problem. It's probably a network problem, which
10 means that the court officer is not in a position to advance to the Chamber whether it
11 would take two minutes, five minutes, one hour, and so maybe the best thing to do is
12 we could suspend for a brief moment. I would like to ask the parties and
13 participants to stay around maybe ten minutes and in ten minutes we come back. If
14 the problem is solved, we proceed. If not, maybe we have to anticipate the lunch
15 break.

16 So let's give the technicians ten minutes to solve the problem, so we briefly suspend
17 for ten minutes. Court usher, please accompany Professor Tabo, with our apologies.
18 (The witness stands down)

19 PRESIDING JUDGE STEINER: So let's have a ten-minute break until 12 o'clock,
20 when I hope that the court officer has good news to give us.

21 THE COURT OFFICER: All rise.

22 (Recess taken at 11.51 a.m.)

23 (Upon resuming in open session at 2.05 p.m.)

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

25 PRESIDING JUDGE STEINER: Good afternoon. Welcome back to this courtroom.

1 Once again, the Chamber apologises for the inconvenience caused by the interruption
2 of the real-time transcripts. We will continue then with the questioning of Witness
3 229 by the Prosecution and, for that purpose, I ask, please, the court usher to bring the
4 witness in.

5 Before the witness is brought into the courtroom, I was informed that our interpreters,
6 court reporters, our court officer would be able to sit, to follow us, for two hours in
7 the afternoon. So I would like to ask whether this would be convenient or agreeable
8 to the parties and participants, if we sit from 2 to 4 in order to compensate the time
9 we lost in the morning?

10 MR HAYNES: That's no problem so far as the Defence are concerned, your Honour.

11 MR BADIBANGA: (Interpretation) We have no problem with that either, your
12 Honour.

13 MR ZARAMBAUD: (Interpretation) No problem, your Honour.

14 PRESIDING JUDGE STEINER: So since the parties and participants agree, the Court
15 will sit - the Chamber will sit - 'til 4 o'clock this afternoon.

16 (The witness enters the courtroom)

17 PRESIDING JUDGE STEINER: Dr Tabo, welcome back to this courtroom.

18 THE WITNESS: (Interpretation) Thank you.

19 PRESIDING JUDGE STEINER: The Chamber wants to apologise, once again, for the
20 disruption of your testimony due to technical problems that we hope now have been
21 solved. I'm giving back the floor to the Prosecution to continue with its questioning.

22 MR BADIBANGA: (Interpretation)

23 Q. Hello again, Professor Tabo.

24 A. Hello.

25 Q. When we stopped this morning, we were talking about your scientific

1 publications. You told us that you had been the author or co-author of some 30
2 publications, three of which relate to sexual assault. Could you tell us a little bit
3 more about those three publications on sexual assault?

4 A. The first publication to which I contributed with the Togo team relates to the
5 socio-anthropological approach to factors that maintain sexual violence in
6 sub-Saharan Africa. In that publication we highlighted traditional education, which
7 puts the emphasis on the superiority of men over women and on a number of
8 practices that maintain sexual violence in sub-Saharan Africa.
9 The second publication is based on what happened in the Central African Republic in
10 2002 and 2003 and relates exclusively to victims of sexual violence as recorded in
11 Bangui and, in particular, the medical problems caused by such sexual violence on the
12 victims thereof.

13 The third publication which I was the -- at the initiative of relates to clinical practice,
14 the clinical practice that I was involved in with the victims of sexual violence, for
15 which I took into my care at the psychiatric ward of Bangui.

16 Q. You mentioned articles so, at this stage, I would like you to give us the titles of
17 those articles.

18 A. The first article is called "Socio-anthropological approach to the factors in
19 maintaining sexual violence in sub-Saharan Africa." The second publication in
20 Bangui was called "Medical problems exhibited by victims of sexual violence during
21 armed conflicts: The experience in Bangui." The third publication, which was the
22 only one that I initiated in my department, is entitled "These evils without words:
23 The psychiatric and psychological impact of sexual violence on victims," and this
24 related to the victims that I took into my care in Bangui.

25 Q. Reminding you of this morning's statement, I had said that you were both

1 author and co-author for these three articles. Which were you, co-author or author?

2 A. Well, actually, when an article - a scientific article - is published, particularly in
3 the area of medicine, there are always several authors. The first publication on the
4 socio-anthropological approach, well, for that one I was the third author. For the
5 second publication on the medical problems arising from sexual violence on Central
6 African women, I was the fifth or sixth author. As regards the third publication on
7 "These evils without words," I am the principal author.

8 MR BADIBANGA: (Interpretation) I would like to be absolutely sure at this stage,
9 your Honour, that the last article mentioned by the witness, "These evils without
10 words," I don't know whether the interpreters were able to be sure that they
11 translated this play on words because in French and the interpreter is explaining "les
12 maux sans mots," "evils" and "words" are pronounced in exactly the same way. Now,
13 for the needs of the transcript, let me spell out that the "evils" M-A-U-X in French, and
14 without "words" which in French is written M-O-T-S.

15 Q. Professor, you mentioned that you were the third co-author for the first article.
16 Can you tell us the names of the other authors and, if necessary, if you have the article
17 before you, you can of course refer to it?

18 A. Yes. The article published in the African Review of Anthropology, the
19 principal author was Dr Dassan, he is from Togo; the second author was
20 Dr Mbassa-Menick, from Cameroon and the third author was myself from Central
21 African Republic, the fourth author was Mr Amenyedzi from Togo and the fifth
22 co-author was Professor Ahyi from Benin who is our master, as it were.

23 Q. Could you go through the same exercise relating to the second publication now?

24 A. The second article, which relates to medical problems in victims of sexual
25 violence in the Central African Republic, was written by Professor Abdoulaye Sepou,

1 who is the principal author. He is Professor of Gynaecology, head of Department of
2 Gynaecology and Obstetrics at the Community Hospital of Bangui. His assistants
3 were associated with him, Dr Conjugo Peggy, Dr Serdouma and Dr Ngbale, myself
4 and several other physicians who are working in the same department as he.

5 Q. Could you also tell us who the co-authors of the third article, "These evils
6 without words," were?

7 A. They were Dr Serdouma, who is an obstetrician and gynaecologist at the
8 Community Hospital of Bangui; Dr Kette, who is my assistant at the Psychiatric
9 Department of Bangui; Dr Ngbale, who is also an assistant of Dr Sepou's and
10 Dr Sepou himself, who is also a gynaecologist and obstetrician.

11 Q. I need a few more details about these articles, because they do actually concern
12 our case. Could you tell us in which journals these publications were published?

13 A. Earlier on I talked about the African Review of Anthropology for the first article.
14 The second article relating to the medical problems was published in a subregional
15 journal in Cameroon, and the third article, "These evils without words," was
16 published in "Perspective Psychiatric," "Psychiatric Perspectives."

17 Q. I would like to now go on to your other professional activities. Are there any
18 other professional activities that you conduct?

19 A. Apart from my clinical practice at the hospital and my duties at the faculty, the
20 university faculty, I, since December 2008, have also been an expert psychiatrist
21 accredited with the courts of the Central African Republic. I am the focal point for
22 the Ministry of Health for the World Health Organisation in the field of mental health
23 and the fight against drugs.

24 Q. How long have you been the focal point for the WHO?

25 A. Since 2005, when I was appointed head of department at my hospital.

1 Q. What are your duties and what is your -- what is your expertise as a focal point
2 at the ministry?

3 A. I serve as a go-between between the Ministry of Health and the WHO in the
4 area of the activities relating to mental health in the Central African Republic. In this
5 capacity, I establish projects in relation to mental health and the fight against
6 psychoactive substances.

7 Q. You also said that you were a psychiatric expert for the courts since 2006; is that
8 right?

9 *A. 2000 ... since 2006, yes.

10 Q. Have you had any opportunities to make any assessments of this type since you
11 were appointed in this position?

12 A. The problem that we come up against in the Central African Republic is that the
13 courts are not yet sufficiently convinced of the importance of psychiatric evaluations
14 for the needs of trials and, to tell the truth, two years ago I was asked to perform my
15 duties by a national NGO so as to assist a certain people -- a certain number of people
16 who were accused of witchcraft, and that is why I went to Bouar on a mission to carry
17 out a psychiatric assessment there relating to people who had been accused of
18 witchcraft and who were undergoing trial.

19 Q. Could you tell us the name of that NGO?

20 A. It is Danish NGO called the Danish Council for Refugees.

21 Q. What are the criteria that a person must fulfil to be appointed as a legal expert?

22 A. To be appointed legal expert, you must have the technical skills. In my
23 particular case, what I was required to have was to be a certified psychiatrist and to
24 have had clinical experience and to be -- to have a good moral record.

25 Q. Before I end on this topic relating to your professional experience, I would like

1 to return to your practice in university. As far as I could tell from reading your
2 curriculum vitae, you also supervised doctoral theses, didn't you? Could you tell us
3 a little bit more about that?

4 A. The first doctoral thesis that I supervised with others was on children, street
5 children in Bangui. This is a recurring phenomenon which is becoming worse and
6 worse in Bangui and, together with Professor Siopatis, who is a paediatrician, we
7 initiated that thesis so as to describe the extent of this phenomenon. The second
8 thesis that I supervised relates to the quality of life of depressed persons who are in
9 the care of the psychiatric ward. The third thesis that I supervised that same year
10 concerned hospitalisation and admissions to the psychiatric ward. The fourth thesis
11 that was supervised two years later concerned child and juvenile delinquents in
12 Bangui, describing the factors that are involved in the persistence of infant and
13 juvenile delinquency in Bangui. Another thesis that was defended that same year
14 concerned mental disorders in prisons in Bangui. So five theses that relate
15 principally to psychiatric disorders and mental problems in the Central African
16 Republic.

17 Q. Professor Tabo, you gave the Prosecutor's office your curriculum vitae, didn't
18 you?

19 A. Yes, I did.

20 Q. And you have a copy of this in front of you, but I would like to ask the
21 Chamber's permission to show you a copy of your curriculum vitae to ensure that
22 you can confirm that this is what you gave to the Office of the Prosecution; is that all
23 right?

24 A. Yes.

25 MR BADIBANGA: (Interpretation) Your Honour, perhaps the usher could show

1 the witness the curriculum vitae so that the witness can confirm that that is the same
2 document?

3 PRESIDING JUDGE STEINER: Present the document to the Defence.

4 THE WITNESS: (Interpretation) Yes, this is indeed the document I submitted to
5 the Court.

6 MR BADIBANGA: (Interpretation)

7 Q. Could you also confirm that the information in this document concerns your
8 training, your studies, your professional experience and your publications and that all
9 this information is correct?

10 A. I confirm that all this information is correct.

11 MR BADIBANGA: (Interpretation) Your Honour, this document, as you
12 mentioned at the beginning of the hearing this morning, has the reference number
13 1248 as a written document. Hitherto it was considered as confidential. We have
14 taken note of the Chamber's instructions in order to make a version available to the
15 public. This will be done forthwith. The team is working on this matter. In the
16 meantime, I would like the document to be recorded with an EVD reference.

17 PRESIDING JUDGE STEINER: I ask the court officer whether this document has not
18 yet been assigned an EVD-T number. Court officer, please.

19 THE COURT OFFICER: Yes, Madam President. The document shown to the
20 witness, which is filing ICC-01/05-01/08-1248, will be attributed the following
21 reference, EVD-T-OTP-00606, and once it's uploaded in eCourt, it will be marked as
22 public. Thank you.

23 MR BADIBANGA: (Interpretation)

24 Q. Doctor, we've finished with what we shall term as the introduction, even
25 though it was rather long, and we shall now move on to your professional experience

1 and the report you submitted to the Court.

2 PRESIDING JUDGE STEINER: I am sorry to interrupt you, I want a clarification
3 from the court officer if the document referred to will be uploaded and marked as
4 public. The current copy will have to be marked as confidential. The Prosecution
5 will file a public redacted version, as far as the Chamber has decided upon.

6 THE COURT OFFICER: Yes, Madam President. My apologies. I was referring to
7 the redacted version that was going to be filed by the Prosecutor and that would
8 afterwards be uploaded in eCourt and will bear that reference that I just said.

9 PRESIDING JUDGE STEINER: Thank you for the clarification. I'm sorry. Maître
10 Badibanga.

11 MR BADIBANGA: (Interpretation) Thank you, your Honour.

12 Q. Professor, I would start off with a few questions regarding the programme of
13 aid to victims. To which victim aid programme did you participate in the Central
14 African Republic?

15 A. When I returned to Bangui in 2005, the World Bank in 2006 had allocated funds
16 to a national NGO called OCODEFAD which asked me to help them in drawing up a
17 programme to provide psychological and social help to the victims of sexual violence.
18 I accepted this assignment with no remuneration, because this was non-remunerated
19 work, but in August 2006 the World Health Organisation called on me to be a -- to act
20 as a consultant in five préfectures of the Central African Republic which encompassed
21 eight areas where there were victims of sexual violence arising from the conflicts of
22 2003. Therefore, in August 2006, with the World -- the WHO financing, I carried out
23 a mission for training and retraining of -- in eight areas in the Central African
24 Republic where there were victims of sexual violence.

25 Q. We'll go back on each of these issues specifically. Now, apart from the project

1 with the WHO in 2006 and apart from the cooperation with this NGO in 2005, are
2 there, to your knowledge, other projects -- other projects which had the same purpose
3 of assistance, aid to victims, in which you may not have taken part but of which you
4 might have heard?

5 A. Yes, indeed, there was a first project funded through the United Nations
6 Programme for Development in the weeks after -- following the end of the conflict,
7 and this was a multidisciplinary team, including doctors, psychologists, lawyers,
8 social workers, which was entrusted with drawing up the list in Bangui of the victims
9 of sexual violence arising from the conflicts in 2002 and 2003, in identifying the
10 medical problems arising from sexual violence, in providing medical care based on
11 the resources the team had, and in providing psychological support for the victims,
12 and this was in 2005. This team submitted a report which remained confidential, or
13 at any rate this report was never released to -- never made public.

14 A second project in May 2006 was funded through the United Nations Population
15 Fund, which had sent a mission to five préfectures of the Central African Republic,
16 including the eight areas in which there were victims of sexual violence. This
17 mission, in May 2006, drew up a list in eight areas of the Central African Republic of
18 victims of sexual violence. If I remember correctly, this mission drew up a list of
19 approximately 192 victims of sexual violence arising from the military and political
20 conflict of 2002 and 2003.

21 Q. Just to be clear, you have just said that the first project began in 2002 just after
22 the events?

23 A. 2003.

24 Q. Right, 2003, and yet you are saying that this project -- that the report on this
25 project came out in 2005. You mentioned the date of 2005. Now, was it 2003 or was

1 it 2005, just to be clear?

2 A. The multidisciplinary team worked in 2003 in the weeks following the end of
3 the conflict, but the report submitted by the UNDP was published at the end of
4 2004/early 2005 and it remains confidential.

5 Q. I understand that you did not take part in this project.

6 A. No, I could not participate in the project because I was not in the Central
7 African Republic.

8 Q. You spoke about the project conducted in 2006, from May, and from then on
9 you took part in the project; is that correct?

10 A. The May 2005 project involved a team of medical and social workers entrusted
11 with going into the areas which were presumed to have been affected by the conflict
12 in which there might be victims of sexual violence, and this was in May 2006. I did
13 not participate in this mission because the * FNUAP did not consider that it was
14 appropriate that I should take place in this evaluation mission.

15 Q. Apart from the fact that the mission went to specific areas, did it develop a
16 programme? Was care provided to victims, or was it a fact-finding mission for
17 establishing the victims?

18 A. The mission in August came after that conducted in May and, in fact, this
19 was -- the purpose was to strengthen the health training capacity in providing
20 medical and psychological care to the victims of sexual violence, and this is when the
21 WHO, which was working with * FNUAP, funded the mission and asked that I should
22 be a consultant.

23 Q. Now, before we move on to that, I would like to start off with the first project in
24 which you said you took part, and you were saying a few moments ago that this was
25 in 2005 when the World Bank granted funds to OCODEFAD and you were invited to

1 participate. So, chronologically, this is the first project in which you took part in the
2 Central African Republic regarding the victims.

3 A. Yes.

4 Q. What was the nature of your relationship with OCODEFAD? Were you a
5 member of OCODEFAD?

6 A. I was not a member of this organisation. OCODEFAD called on me as a
7 technician, as a practitioner, to help it establish a project to provide psychological and
8 social support to the victims of sexual violence.

9 Q. You said that you did this mission without being paid. Could you say a little
10 bit more about that?

11 A. OCODEFAD, in calling on me, had told me of the grant provided by the World
12 Bank. The project at the time was called Lipus (phon), and OCODEFAD asked me to
13 help it set up the project free of charge - without being remunerated - because it
14 couldn't pay my consultancy fees; and I did it without receiving a fee because I had
15 already begun in the department to -- or the department had already started to -- had
16 already begun to receive requests for providing psychological and social help to
17 victims of sexual violence.

18 Q. As a consultant, specifically what was your mission? What was your
19 contribution to this project?

20 A. My contribution was to steer the activities, the care provided to victims of
21 sexual violence, to see to what extent these victims could be taken care of by the
22 psychiatry department which was the only such department in the country and to
23 receive psychological and psychiatric treatment.

24 Q. How long did your cooperation on this project last?

25 A. The cooperation lasted just over one month, from four to six weeks.

1 Q. Did you have to meet, diagnose victims during this project or did you simply
2 write up a proposal?

3 A. At that stage of the cooperation I did not meet victims as such, because a project
4 had to be set up providing care for the victims; but one of my team members who had
5 lived through these events said that some of the victims were beginning to ask for
6 help. Even before I arrived, even before I came back to the department, some
7 victims had expressed the wish to have some help, some support, psychological
8 support, and this is what led me to work without remuneration with OCODEFAD in
9 order to make an initial step towards the victims. And I think that the months that
10 followed proved that I was right, and perhaps we'll talk about this later on, because
11 the victims then began to come to the psychiatry department.

12 Q. At the end of the period of four to six weeks of cooperation, you submitted a
13 report, a document to OCODEFAD. Was this document made public in one way or
14 another?

15 A. This document was handed in to OCODEFAD and the activities were
16 conducted, so the report belongs to OCODEFAD and I have no additional
17 information on that.

18 Q. Subsequently, did you participate in other projects with OCODEFAD? Did
19 you continue to work with the organisation on this, or on other areas?

20 A. No. After this project was completed, I found out that the head of
21 OCODEFAD had problems, and its activity declined and I have not since then
22 cooperated again with OCODEFAD.

23 Q. At present, are you a member of OCODEFAD?

24 A. No, I'm not a member of OCODEFAD.

25 Q. We shall move on to the next project. Which project came after the one that we

1 have just been discussing?

2 A. The following project coming after OCODEFAD was a project financed by
3 *FNUAP in May -- UNFPA in May 2006, and it's job was to assess, to evaluate, the social
4 and medical situation of victims of sexual violence in eight areas of the Central
5 African Republic in five préfectures.

6 Q. Now, you're an expert, so it's very clear to you as an expert, but if you could
7 explain to me what do you mean by "social and medical."

8 A. Yes. The victims of sexual violence during the conflicts of 2002 and 2003, first
9 of all, had to be known and their situation had to be assessed in social and health
10 terms. So this initial mission in 2006 made the evaluation of their situation in health
11 and social terms once they had been identified.

12 Q. You have referred to various localities. Could you specify the localities?

13 A. Yes. There were eight cities spread across five préfectures. The first
14 préfecture was Ombella-M'Poko, which is close to Bangui; and the locality which was
15 visited in this préfecture was Damara, which is 80 kilometres away from Bangui;
16 Bossembélé, which is around 100 kilometres from Bangui; and Liton, which is at
17 kilometre 22 from Bangui on the road to Damara.

18 The second préfecture was Kémo. In Kémo, one town was visited - this was the
19 town of Sibut - which is approximately 180 to 190 kilometres from Bangui. The third
20 préfecture was Nana-Gribdji. And the locality visited by the mission was
21 Kaga-Bandoro.

22 The fourth préfecture was L'Ouham and the towns visited were Bossangoa, 300
23 kilometres from Bangui, and Batangafo which is a little bit further in. Finally, the
24 fifth préfecture was L'Ouham-Pendé and the town visited was Bozoum. These are
25 areas, apart from Bangui, affected by the military and civil -- military and political

1 conflict which took place in 2002 and 2003.

2 Q. At this stage, I think we should bear in mind the hard work of our court
3 reporters and interpreters, so I will quote the names of the localities and I will ask you
4 to spell them out. I suppose that Damara will be easy to spell - I won't ask you to
5 spell it out - however, the first préfecture which you mentioned was Ombella-M'Poko,
6 could you please spell that out for us?

7 A. Ombella-M'Poko, O-M-B-E-L-L-A space M-P-O-K-O. Bossembélé.
8 Bossembélé, B-O-S-S-E-M-B-É-L-É.

9 Q. Liton?

10 A. Liton is L-I-T-O-N.

11 Q. You then refer to the prefecture of Kémo, presumably that is spelt K-É-M-O,
12 right? Nana-Gribdzi, could you please spell that out?

13 A. N-A-N-A space G-R-I-B-D-Z-I.

14 Q. Now, you mentioned the town of Kaga-Bandoro for this particular prefecture?

15 A. K-A-G-A hyphen B-A-N-D-O-R-O.

16 Q. Four more names of localities, please. You mentioned the prefecture of
17 L'Ouham?

18 A. O-U-H-A-M.

19 Q. For this particular prefecture, I believe two names were given, Bossangoa and
20 Batangafo?

21 A. Bossangoa, B-O-S-S-A-N-G-O-A. Batangafo, B-A-T-A-N-G-A-F-O.

22 Q. And finally, the last place was the prefecture of L'Ouham-Pendé and the town
23 was Bozoum in that particular prefecture. Could you spell out that place name?

24 A. O-U-H-A-M hyphen P-I-N-D-É and the town of Bozoum is spelled
25 B-O-Z-O-U-M.

1 Q. Thank you. Now, you said that this programme had to do with the social and
2 health aspects of the issue. Did you have to draw up a report and, if so, was that
3 report made public?

4 A. I was not part of that particular mission which occurred in May. The members
5 of the mission did draft a report which they provided to the funding agency, the
6 UNFPA. What I do know is at the end of this particular mandate, or mission, in the
7 localities mentioned, the eight localities mentioned, the mission did serve a 192
8 victims of sexual violence.

9 Q. And in what way did you take part in this particular project? I thought it was
10 not entirely a project that you took part in yourself?

11 A. In 2006 I did not take part in it, because the UNFPA thought that I didn't have to
12 take part in this particular mission which was an assessment mission. However, the
13 following mission funded by the WHO, I did take part in that particular mission as a
14 consultant in August. That was a mission that came after the first one, which was a
15 social and health related assessment mission.

16 Q. You mentioned the mission that came after in August, but there was some kind
17 of link between the two missions? Could you tell us more about that?

18 A. Yes, indeed, there is a link between the two missions, because it was a project - a
19 joint project - with the Ministry of Health and the Ministry of Social Affairs, and it
20 was to be funded by the two organisations, the two international organisations, the
21 UNFPA and the WHO. The UNFPA funded the first mission and the WHO funded
22 the second from August 2006, which was mainly intended to ensure that these victims
23 would receive care and treatment.

24 Q. I would like to finish my questions regarding this particular project soon, but
25 you still have some information about this project, the one of May 2006. Do you

1 know what criteria were applied by the team to select the victims that they surveyed
2 in these various localities?

3 A. What I do know is that the team had drawn up a questionnaire to identify the
4 social and health situation of these victims, and so those were the criteria that were
5 used to identify the victims and assess their social and health situation.

6 Q. So this takes us to August 2006, when you intervened, and you said that this
7 particular project received financial support from the WHO. Could you tell us what
8 your mandate was for this particular project?

9 A. Yes. As a consultant - a medical consultant - I was responsible for building the
10 capacity of the medical and health care staff working in the eight localities in question.
11 I was to give them training so that they could provide care and treatment, the care
12 and treatment that the victims of sexual violence needed, so this was both medical
13 care and also psychosocial support. During this mission -- well, if you wish I can
14 hark back to that point, but during the mission we continued to identify new victims
15 of sexual violence.

16 Q. So you said that there was a training component for the team that was there.
17 Could you tell who was in the team? You said it was a multidisciplinary team.
18 What were the various disciplines represented within this team?

19 A. The group was made up of five people. There was someone who was an
20 assistant helping with emergency response programmes. She was responsible -- this
21 person was responsible for the financial aspects of the mission. Then there was the
22 medical team, made up of physicians, Dr Conjugro, who actually prepared a thesis on
23 sexual violence and this doctor had also taken part in the first mission in May 2006;
24 the initial assessment mission of the health and medical aspects. I was a member of
25 the team. I was the psychiatric consultant and the trainer of the health care staff.

1 In addition to these three people, there were two experts; two experts. One was a
2 sociologist, a person from the Ministry of Social Affairs, who also had taken part in
3 the first assessment mission, and there was a lady who was from a national NGO and
4 she too had taken part in the mission of May 2006. These two experts were
5 responsible for awareness-raising activities and this was part of the psychosocial care
6 and treatment component providing support, both in terms of health care, social
7 support and psychological support.

8 Q. This last person you just mentioned, the person from a national NGO, could you
9 tell us which national NGO the person belonged to?

10 A. I no longer recall the name, but it was an NGO responsible for
11 awareness-raising of women, in particular women who had been the victims of sexual
12 violence.

13 Q. It wasn't the same NGO that you mentioned earlier that took part in the 2005
14 mission?

15 A. No, it was a different NGO, different from OCODEFAD.

16 Q. During this project that was supported by the WHO, did you have to do some
17 follow-up or monitoring of the victims?

18 A. Yes, I had many tasks. In addition to training the health care staff, teaching
19 them how to provide care and treatment to victims, I helped with the efforts to
20 continue identifying victims and, what's more, I provided care to some victims who
21 had -- who needed care and who had made a request for greater care locally.

22 Q. How long did this project last for?

23 A. The mission lasted three weeks, from 4 to 24 August 2006.

24 Q. Now, once again, at the end of this mission, did you draft a report and was this
25 report made public?

1 A. At the end of the mission Dr Conjugo and I drafted a report and gave it to the
2 WHO. This report was not made public, but I do have a copy of it if the Court is
3 interested because I, as the author or one of the authors of this report, I do have a
4 copy.

5 Q. Very well. We will certainly deal with this point with the Court, first of all to
6 assess the relevance, if any, and then we will see how the document will be dealt with.
7 Now, at the end of this project, did you take part in another project to provide
8 assistance to victims, or was this project the last one?

9 A. In practical terms, it was the last one. After, I began taking on responsibility
10 for the victims of sexual violence in my daily practice as part of my work within the
11 psychiatric department.

12 Q. Now, this care and treatment that you provided on a daily basis, this was no
13 longer part of a project funded by the organisation? Is this what you are telling us?

14 A. Well, the care and the treatment was only part of my everyday clinical work.
15 There was no funding from any other organisation.

16 Q. You mentioned the project in August 2006 and you also said that the number of
17 victims increased. You said that you were able to identify other victims. Could
18 you tell us more about this particular point?

19 A. During the mission in May 2006, 192 victims of sexual violence had been
20 identified in the eight localities. During the August 2006 mission, we identified 87
21 new victims.

22 Q. What towns were these new victims found in?

23 A. The new victims were identified. In Bozoum, there were five of them there;
24 Bossangoa, 28; Batangafo, one single new victim; Kaga-Bandoro, three new victims
25 were identified; and finally, in Sibut, 50 new victims were identified.

1 Q. Doctor, you speak of 197 (sic) victims, plus 87 new victims, so this comes to 279
2 victims?

3 A. Well, it's difficult to speak of the entire group of victims, because we do know
4 that not all the victims came forward and allowed themselves to be identified because
5 there was the fear of being stigmatised, ostracised, and some of the women did not
6 want to be known as victims. And it's also difficult to speak of a sample, because the
7 exact number of victims of sexual violence that occurred during the conflict was never
8 known, for several reasons. The main reason is that the victims who were to come
9 forward voluntarily, many victims did not do so.

10 Q. How were the victims informed of this project, or programme?

11 A. Before the missions, the ministry had sent out a message to the various officials
12 in the localities that were to be visited, and they were to designate people - social
13 workers, in particular - to go out and make people aware of the mission, or prepare
14 the way for the mission, and so the people were made aware of what was going to
15 happen, but as I told you, many other victims, several victims, refused to come
16 forward and be identified. They feared being outcast or being singled out, or
17 pointed at, and because perhaps they thought that they didn't need any care or
18 treatment.

19 Q. We will come back to that particular aspect, and I believe that is covered in your
20 report, in a part of the report that deals with the social impact on victims. You just
21 mentioned a ministry that was sending out a message to officials in the localities,
22 asking that the local populations be made aware. Now, which ministry was this and
23 what was their role in this project?

24 A. In actual fact, there were two ministries involved: The Ministry of Health and
25 the Ministry of Social Affairs. These two ministries were working together to help

1 provide medical and social and psychological care, treatment and support to the
2 victims.

3 Q. I would like to ask you some questions about your practice. You said that in
4 the year 2008 you began to see some of these victims as part of your practice. Now,
5 was there any particular aspect of any of the projects that we've mentioned that are
6 important that I may not have asked you about?

7 A. Yes. In relation to the mission of August 2006, which I took part in, I had to
8 provide care to the victims of sexual violence at the local level because one of the
9 objectives of the mission was to provide assistance in the form of medication. So I
10 was responsible for providing a short list of medications used in psychiatry that
11 would be needed for providing local care to some victims who needed my care. In
12 four or five localities, I had to help the victims at the local level; these victims who
13 needed care from me.

14 Q. Now, was it the project that provided the medications, or did you just indicate
15 which medications were to be taken and then the patients or the victims would have
16 to find the medication on the market themselves?

17 A. Some medications were provided by the project. However, I do think
18 that -- well, one victim needed a medication that was not on the list that was provided
19 by the mission, and so the mission had to later bring in the particular medication for
20 the recipient working through these officials responsible for health care.

21 Q. And what about the people you identified who needed medication as part of
22 their treatment? Was it after, once you had finished your work with the project; do
23 you know if those people did receive medications?

24 A. In principle, during the first six months following the end of the mission, I do
25 know that victims did receive the medications that I had prescribed, but beyond that

1 six-month period of time, past the first six months, I have no information about the
2 follow-up of those patients.

3 Q. Now, during those six months, some people benefited from these medications
4 because they -- these medications were provided through the project; is that correct?

5 A. Yes, the medications were provided by the project and were sent by the WHO to
6 the officials responsible for health care training and they were responsible for
7 providing the medications to the people in question.

8 Q. This is an important point. This is about the victims' own lives and their ability
9 to tackle their problems, so I'd like to try to determine exactly what this is all about.
10 After six months of treatment through the WHO, if a victim no longer was receiving a
11 medication, was this person able to find the medication on the market? Were these
12 medications available on the market in the Central African Republic?

13 A. These medications are available in pharmacies. However, they are expensive,
14 and after the six months were up, I think it was difficult for the victims to get a supply
15 of such medications.

16 Q. I would now like to ask you about the follow-up - the medical or clinical
17 follow-up - that you established. I do note it is 3.30. Now, we still have
18 half-an-hour and I just wanted to ask you whether you feel able to continue, or
19 whether you feel tired. This is the time to tell us, I believe.

20 A. I can go for another half-hour.

21 Q. Doctor, as of when did you start giving care to the victims in your own clinical
22 practice?

23 A. After having cooperated with OCODEFAD and after taking part in the 2006
24 mission, some victims - several victims - in Bangui had learned that they could call on
25 a psychiatrist, because in fact I am the only psychiatrist in my country. So when the

1 victims learned that they could come and ask for assistance from my department, we
2 began to take them into care starting at the beginning -- at the end of 2007, beginning
3 of 2008.

4 Q. So it was essentially by word of mouth that these victims began to come to see
5 you, or did you also conduct some sort of an awareness campaign concerning
6 possible -- the possibility for being taken into care?

7 A. No, there was no possibility for running any campaign, but some victims would
8 come along; without saying that they were victims, they would come to the
9 department to get psychological care and it was after that that by word of mouth this
10 information began to circulate and that victims began to come in to consult us in the
11 department and seek treatment, medical and psychological treatment.

12 Q. I hope you won't take this in the wrong way but, in cultural terms, the Central
13 African society, what is the perception in that society of psychiatry? You said that
14 some people came along spontaneously to consult you. Is it easy for a Central
15 African Republic citizen to come along and seek help and recognise that there is
16 something worth taking care of?

17 A. That is a fundamental issue in my daily practice. Psychiatry in the Central
18 African Republic has a very negative image and to come and consult for psychiatric
19 reasons is, as I might say, equivalent, tantamount to being crazy. People do not yet
20 recognise the need to get psychiatric treatment in the Central African Republic,
21 except - except - if there is a very major disorder involved.

22 Q. And in the case of these people who did come to consult you, what was their
23 motivation for coming out and doing that?

24 A. Well, it was later on that I realised what the motivation of these people was.
25 These people needed someone to listen to them; they wanted somebody to listen to

1 their account, to help them to overcome their pain and suffering, and that is what
2 they found. In spite of the cultural barriers that we just mentioned, they found it
3 necessary to come and seek such assistance.

4 Q. The follow-up that you conducted, is this still going on or did it stop at some
5 point in time?

6 A. This follow-up is going on, but what I can say is that today the persons seeking
7 this follow-up, the people who have continued with the follow-up, is shrinking all the
8 time because in the Central African Republic the patient is the one who pays for the
9 care given to him or her, and 2000 francs per month to -- well, for the average Central
10 African, is a very difficult sum of money to find. And I believe that just over 300
11 people had began with this treatment in 2008; of those 300, there are only 150 or so
12 left that are continuing.

13 Another reason is this: At one point in time, the simple fact that the general
14 population was aware of somebody having been the victim of sexual violence led to
15 stigmatisation and ostracisation, and people believed that some other means should
16 be found to overcome one's pain and suffering. I know through certain associations
17 that these women were able to get financial support in the context of income
18 generating activities. So thanks to the psychological follow-up, she -- they, or some
19 of them, were able to overcome their suffering and difficulties.

20 Q. Throughout the report that we're going to deal with in the next -- in a few
21 minutes, you talk about a number of victims; you talk about 512 victims that were
22 followed, et cetera, and you give a whole series of statistics. Now, my question is,
23 these figures do they come from the various projects or programmes we spoke about,
24 or from the latter professional practice that we have just described or yet another
25 source or project or activity that you were involved in?

1 A. The figure 512 comes from the UNDP report that has remained confidential, to
2 which I have access to. These were victims that were found exclusively in Bangui
3 and the nearby vicinity. Among those 512 victims, there are no victims from the
4 other regions because the first mission that was implemented immediately after the
5 end of the conflict was unable to explore any further than Bangui to make a census of
6 the victims because of the insecurity in the inland. That was the figure that was in
7 the publication to which I contributed in the first instance relating to sexual violence
8 in the Central African Republic.

9 MR BADIBANGA: (Interpretation) Your Honour, if you would allow me, I would
10 like to elucidate a matter of evidence. The witness is referring to a project that was
11 undertaken under the auspices of the UN programme and what we understand is that
12 at that time the report for that project was confidential.

13 During the investigation, we were able to have access to a public version of that
14 report, which is on the list of evidence submitted by the Prosecution and the Defence
15 has also included that in its own list for the purposes of questioning the witness.
16 I would, if you will allow me, like to present my version to the witness so as to ensure
17 that we are talking about the same thing and this would perhaps make the discussion
18 easier and perhaps the witness himself was not aware that there was a public version
19 of that report.

20 PRESIDING JUDGE STEINER: What is the ERN number of this document, please?

21 MR BADIBANGA: (Interpretation) The document I am talking about is
22 CAR-OTP-0030-0002 and it is entitled "Activity Report of 25 November 2002 to
23 31 December 2003, CAF Project, Humanitarian Aid to Women and Girls of Victims of
24 Violence in the Armed Conflict 25 October 2002."

25 PRESIDING JUDGE STEINER: I must presume that this document has already been

1 disclosed to the Defence?

2 MR BADIBANGA: (Interpretation) Absolutely, your Honour, and the Defence
3 themselves included it in their own list of documents.

4 PRESIDING JUDGE STEINER: Therefore, you can provide the witness with a hard
5 copy for the witness to certify that this is the same report he referred to.

6 MR BADIBANGA: (Interpretation)

7 Q. Doctor, could you tell us whether the document you have before you is, indeed,
8 the report that you were referring to earlier on?

9 A. Yes, it is.

10 MR BADIBANGA: (Interpretation) Thank you. Your Honour, this already has an
11 EVD number, EVD-T-OTP-00568, and this is a public document.

12 Q. Doctor, we're not going to enter into the details of this report at this stage; I
13 simply wanted to be sure we were talking about the same thing. This document you
14 said -- well, the 512 figure came from that report, is that so?

15 A. Yes.

16 Q. So you do, indeed, confirm that you did not take part in this report but were
17 able to have access to the results of that project?

18 A. Yes. That mission occurred before I returned to Bangui and through some
19 colleagues of mine I was able to gain access to the data it contains.

20 Q. Doctor, at this stage I don't have any further questions about your professional
21 experience, which is something I wanted to cover. Now I will go on to questions
22 relating to expert reports that you have presented in this case. Can you confirm that
23 you drafted an expert report on the topic of recourse to sexual violence used as
24 weapons of war in the case The Prosecutor against Jean-Pierre Bemba at the request of
25 the Prosecutor's office and the legal representatives of the victims?

1 A. Yes, I did draft and send an expert report of this type.

2 MR BADIBANGA: (Interpretation) Your Honour, this report is on the list of
3 evidence. It carries the reference CAR-OTP-0065-0023, this is the French version,
4 and the English version, the translation has the number CAR-OTP-0065-0043. I
5 would also at this stage, with your permission, like to present to the witness the
6 report, such as it exists in the French version, ask him to confirm that this is indeed
7 the report that he submitted and, if so, then ask you to ask for its tendering.

8 Q. Professor, the report that you have before you, is this the report that you
9 submitted to the Prosecutor's office for this case?

10 A. Yes, indeed.

11 MR BADIBANGA: (Interpretation) Your Honour, this report was confidential
12 until the decision you made this morning, so at this stage it is now public. It does
13 not contain anything that might be an issue in terms of identification, whether of the
14 witness, or of any other witness in this case, so with your permission we would like to
15 have an EVD-T number assigned to it and tender it into evidence.

16 PRESIDING JUDGE STEINER: Court officer, please.

17 THE COURT OFFICER: Yes, Madam President. The expert's report referenced
18 under ERN number CAR-OTP-0065-0023 will be attributed reference
19 EVD-T-OTP-00607 and will be marked as public.

20 MR BADIBANGA: (Interpretation)

21 Q. Professor, could you perhaps briefly tell the Chamber the methodology you
22 used for the purposes of drafting this report?

23 A. To fulfil my task, I used the following methodology: I first of all read the
24 documents that were handed over to me by the Office of the Prosecutor of the ICC,
25 two CDs in other words, and the document number ICC-01/05-01/08 of

1 13 October 2010 in the French version, including Appendix A.

2 I used the data from the studies that were carried out on sexual violence in Africa,
3 and in particular in the Central African Republic. I read the report published by the
4 humanitarian assistance team in charge of the identification and treatment of victims
5 that had suffered from sexual violence in the 2002 and 2003 conflict. I made use of
6 the August 2006 report and, finally, I also used my own personal clinical experience
7 to draft this report.

8 Q. Unless I'm mistaken, I can see that as far as sources are concerned you don't talk
9 about the articles that you published in spite of the fact that they do relate to sexual
10 violence; is that right?

11 A. Yes, when I sent out the report I did not think that I should have attached those
12 documents, but I do have those documents and with the permission of the Chamber
13 perhaps we shall be able to use them in the evidence.

14 Q. I just wanted to be sure that, when you reviewed the documents that you used,
15 you -- whether or not you had made use of them. I'm not talking so much about
16 using them as evidence, but I'm rather asking you whether you went over the
17 material that you had used to draft those articles?

18 A. Yes, most of these articles, well, I have them in my possession and I did re-read
19 them.

20 MR BADIBANGA: (Interpretation) The point of my question, Professor, about the
21 sources that you used for drafting your report, is that we are aware of the fact that
22 you didn't have much time to draft that report, since you entered into the proceedings
23 at a later stage, and we noted that the report did not -- in the presentation that was
24 conveyed to the Chamber did not contain the various sources that you used. So I
25 thought that it was important for the Chamber and all of the parties here to have a

1 clear idea of the sources that you did use to draft this report. That is why I spent a
2 little time on this particular question.

3 Your Honour, at this stage we have a little less than ten minutes left. I would like to
4 turn to some somewhat technical matters that are grouped as it were in terms of
5 understanding them, so if you will permit perhaps we should stop with the witness
6 now and of course it being understood that I won't be asking for any extra time
7 tomorrow and that we will be dealing with him in the time imparted?

8 PRESIDING JUDGE STEINER: Dr Tabo, we thank you very much for the extensive
9 testimony that you gave throughout the whole day to this Chamber. We are going
10 to adjourn right now in order for you and our interpreters and court reporters and all
11 parties and participants to take some rest. We will resume tomorrow morning at 9
12 in this very same courtroom. We hope you have a restful night and that we can
13 continue tomorrow morning listening to your -- to the report that you prepared to the
14 Chamber on the issue of your expertise. Thank you very much, and I ask, please, the
15 court usher to take the witness outside the courtroom.

16 (The witness stands down)

17 THE COURT OFFICER: All rise.

18 (The hearing ends at 3.56 p.m.)

19 CORRECTION REPORT

20 The Court Management Section has made the following correction in the transcript:

21 * Page 36 lines 13 and 21 and Page 39 Line 3:

22 "FNUP" is corrected by "FNUAP".

23 SECOND CORRECTION REPORT

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

- 1 *Page 9 line 3
- 2 "Bemba had sent an email message to the United Nations..."
- 3 Is corrected by
- 4 "Bemba had sent a letter to the United Nations..."
- 5 *Page 9 line 5
- 6 "How did you learn about this email message to the Secretary-General?"
- 7 Is corrected by
- 8 "How did you learn about this letter to the Secretary-General"
- 9 THIRD CORRECTION REPORT
- 10 The Court Interpretation and Translation Section has made the following corrections
- 11 in the transcript:
- 12 *Page 21 line 11
- 13 "I qualified as doctor of medicine in 2004"
- 14 Is corrected by
- 15 "I qualified as a doctor of medicine in 1984"
- 16 *Page 23 lines 23 to 24
- 17 "Yes. Between September 2005 I have been the head of the Psychiatric Department"
- 18 Is corrected by
- 19 "Yes. I have been the head of the Psychiatric Department at the National Hospital
- 20 Medical Centre of Bangui since October --- September 2009 ---, sorry, since September
- 21 2005"
- 22 *Page 24 line 20
- 23 "I was appointed assistant physician, psychiatry, at the hospital in Bangui"
- 24 Is corrected by
- 25 "I was appointed senior lecturer in psychiatry, at the University of Bangui"

1 *Page 24 line 22 to Page 25 line 1

2 “And, as such, taking advantage of my return to the Central African Republic, I was
3 in a position to accept an appointment by the dean of the faculty, and for one year I
4 was doing that work there and, ever since I've received this professional qualification,
5 well actually, I was just appointed the department head of Medical Specialties at the
6 Faculty of Medicine. Once again, after receiving this accreditation,”

7 Is corrected by

8 “And, as such, upon my return to the Central African Republic, I was appointed
9 Head of the Internship Department by the dean of the faculty, where I practised for
10 one year. And now that I have been admitted to the faculty, I've just been appointed
11 Head of the Department of Medical Specialties within the Faculty of Medicine. Once
12 again, after being admitted,”

13 *Page 31 line 9

14 “A. Yes, since 2006. “

15 Is corrected by

16 “A. 2000 ... since 2006, yes.”