

Trial Hearing
Victim: a/0542/08

(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 Monday, 25 June 2012

8 (The hearing starts in open session at 9.33 a.m.)

9 THE COURT OFFICER: All rise.

10 The International Criminal Court is now in session.

11 Please be seated.

12 THE COURT OFFICER: Good morning. Your Honours, Madam President, we are
13 in open session.

14 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
15 case.

16 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.

18 PRESIDING JUDGE STEINER: Good morning. I would like to welcome the
19 Prosecution team, the members of the VW -- the assistants to the legal representatives
20 of victims, the Defence team, Mr Jean-Pierre Bemba Gombo.

21 (Trial Chamber and court officer confer)

22 PRESIDING JUDGE STEINER: I would like to welcome Maître Douzima, who is in
23 Bangui accompanying the victim that will present today views and concerns, the
24 court officer, Jasmine Toumaj, that is already in Bangui accompanying this hearing,
25 and I would like to welcome madam -- if I may call you Madam Victim that will

1 present us today with her views and concerns as authorised by the Chamber.

2 Welcome, madam.

3 Good morning to our interpreters and court reporters.

4 Today we'll start hearing the first of the three victims who will present their views
5 and concerns to the Chamber in this case in accordance with Article 68(3) of the
6 Statute, as authorised by decision 2138 of 22 February 2012.

7 Pursuant to decision 2220 of 24 May 2012, the majority of the Chamber decided to
8 authorise the victims to present their views and concerns via video link.

9 Today the Chamber will start by hearing Victim 542, represented by Maître Douzima
10 Lawson.

11 In relation to the modalities of victims giving their views and concerns, the
12 Chamber recalls that the victims are not giving testimony and as such they will not be
13 questioned by the parties, nor present their views and concerns under oath.

14 The Chamber reminds the parties that the relevant legal representative, in this case
15 Maître Douzima Lawson, will be responsible for guiding the victim through the
16 presentation of her views and concerns. Nevertheless, the intervention of the legal
17 representative shall be limited to questions that facilitate the presentation of the views
18 and concerns by the victim.

19 In addition, and in accordance with its responsibilities under the Statute and the
20 Rules, particularly Article 64(2) and 68(3) of the Statute and Rule 89(1) of the Rules of
21 Procedure, the Chamber may address the victim at any stage should they deem
22 appropriate to do so.

23 Before giving the floor to Maître Douzima Lawson, the Chamber has a short oral
24 decision on special measures for Victim 542.

25 Last Friday, 22 June 2012, the Chamber received the report from the VWU

Trial Hearing
Victim: a/0542/08

(Open Session)

ICC-01/05-01/08

1 psychologist providing a psychosocial assessment in relation to Victim 542. The
2 report recommends the presence of a VWU support assistant outside the video link
3 room to offer support during breaks, under the guidance of the psychologist, and the
4 presence of the psychologist in the courtroom in order to monitor the victim via video
5 link, and I notice the presence of Dr An Michels, psychologist of VWU, in Court.

6 In accordance with Article 68(1) of the Statute and Rule 88(1) of the Rules of
7 Procedure and Evidence that applies by analogy in the present case, the

8 Chamber agrees with these suggestions and authorises the presence of a VWU
9 support assistant outside the video link room and the presence of the psychologist in
10 the courtroom.

11 In addition the Chamber will closely observe victim and, if necessary, will break more
12 frequently.

13 The Chamber notices the presence of the victim already seated in the room prepared
14 for the video link.

15 Good morning, madam.

16 VICTIM: a/0542/08

17 (The victim speaks Sango)

18 (The victim gives her account via video link)

19 THE VICTIM: (Interpretation) Good morning, Madam President.

20 PRESIDING JUDGE STEINER: Madam, you are with us today by means of a video
21 link hearing to present your views, your concerns. You will be helped and guided
22 by your legal representative, Maître Douzima, that sits at your side.

23 Although you'll be presenting your views and concerns today in open session and
24 with your identity known to the public, I want -- I want to inform you that there are
25 other victims, witnesses and persons connected with this case whose identities are not

Trial Hearing
Victim: a/0542/08

(Open Session)

ICC-01/05-01/08

1 publicly known.

2 I would therefore ask you, with the assistance of your legal representative where
3 appropriate, that you exercise caution in mentioning names of other persons who
4 may be considered vulnerable in the context of these proceedings.

5 If need be, madam, we can go briefly into private session. In private session nobody
6 can hear you, only the Chamber and the persons that are present here in the
7 courtroom, so if you need to mention names of persons in any way involved with this
8 case please let us know and we can go into a private session.

9 Do you understand that, ma'am?

10 THE VICTIM: (Interpretation) Yes, I do, Madam President.

11 PRESIDING JUDGE STEINER: Madam, just one last reminder. Because we speak
12 different languages, we have interpreters so we can understand each other. Because
13 of this, madam, it's very important that you speak slowly - very slowly - in order to
14 allow the interpreters to do their job.

15 If you start speeding up, I will have to interrupt you in order to ask you to slow down.
16 I hope you don't take offence with that, but it is necessary in order to allow
17 interpretation and to allow the Judges, the Prosecutor, the Defence to understand
18 what you are saying.

19 Do you understand that, madam?

20 THE VICTIM: (Interpretation) I do understand you, Madam President.

21 PRESIDING JUDGE STEINER: Thank you very much.

22 Maître Douzima, you are allowed to confer with your client whenever necessary,
23 even to remind her of the need of preserving some names of persons that could be
24 put at risk if their identities are revealed, to help your client in conducting the
25 presentation of her views and concerns and in order to ask her to slow down

Trial Hearing
Victim: a/0542/08

(Open Session)

ICC-01/05-01/08

1 whenever necessary.

2 Maître Douzima, you can please start with the presentation of Madam Victim 542.

3 MS DOUZIMA LAWSON (CAR): (Interpretation) Thank you, Madam President.

4 QUESTIONED BY MS DOUZIMA LAWSON (CAR): (Interpretation)

5 Q. Good morning, madam. Thank you.

6 A. Good morning, Counsel.

7 Q. Madam, how would you like me to call you? Madam, during your testimony

8 I would like to be able to call you something. How would you like me to address

9 you, or by what name?

10 A. I would like you to call me "Madam Victim."

11 Q. Thank you, Madam Victim. My name is Maître Marie-Edith Douzima Lawson.

12 I am the legal representative of victims in this case; that is the case before us. The

13 President has already stated that the Chamber has authorised the legal

14 representatives of victims to express their views and concerns, and I mean has

15 authorised the victims to express or to present their views and concerns. You are

16 one of those victims and, as you know, I am your representative.

17 The President has also stated that it is my role to put questions to you which will give

18 you an opportunity to narrate to the Court, to tell the Court about what happened to

19 you and what happened in your community. Do you hear me? In fact, I will ask

20 you questions such as "When?", "How?", "Why?" and so on and so forth.

21 PRESIDING JUDGE STEINER: Maître Douzima, I'm sorry if I interrupt you. We

22 are having problems with the transmission that is causing difficulties to the

23 interpreters. I ask, please, the court usher to verify whether it can be improved.

24 (Pause in proceedings)

25 MS DOUZIMA LAWSON (CAR): (Interpretation)

Trial Hearing
Victim: a/0542/08

(Open Session)

ICC-01/05-01/08

- 1 Q. Madam Victim, I would like to remind you following what the President has
2 said that you should abstain from mentioning the names of any other persons who
3 may testify, but you are free to talk about anybody without mentioning names.
4 Madam Victim, let us now proceed to identify you so that the Court may know who
5 you are. Please mention your name and first name.
- 6 A. My names are Namndouto Béatrice. Namndouto Béatrice. I was born in
7 Bossangoa. I am 40 years of age.
- 8 THE INTERPRETER: Overlapping speakers. Message from the Sango booth:
9 Could the legal representative of victims please respect the five-second rule? Many
10 thanks.
- 11 MS DOUZIMA LAWSON (CAR): (Interpretation)
- 12 Q. Are you married?
- 13 *A. I am not married.
- 14 Q. Do you have children?
- 15 A. Yes.
- 16 Q. How many?
- 17 A. I have six children.
- 18 Q. What -- do you have some kind of work, an occupation?
- 19 A. No, I don't work.
- 20 Q. In 2002 and 2003, where were you living?
- 21 A. I was still living in Bossangoa.
- 22 Q. At that time, Madam Victim, what happened at that place in Bossangoa?
- 23 A. What happened in Bossangoa was as follows: Well, Bemba's men arrived.
- 24 THE INTERPRETER: Message from the Sango booth: Could the legal
25 representative of victims please respect the five-second rule?

1 PRESIDING JUDGE STEINER: I ask, please, Jasmine, court officer present at the
2 room, to ask Maître Douzima to respect the five-second rule. She's not wearing
3 the -- yes, thank you.

4 THE INTERPRETER: Many thanks from the interpretation team.

5 MS DOUZIMA LAWSON (CAR): (Interpretation) Thank you. Thank you, your
6 Honour. I don't have a headset on, I realise that, but --

7 THE INTERPRETER: Inaudible.

8 MS DOUZIMA LAWSON (CAR): (Interpretation) I will try to respect the
9 five-second golden rule.

10 PRESIDING JUDGE STEINER: Madam Victim, you can continue, please.

11 THE VICTIM: (Interpretation) Well, this is what happened to me. That day
12 everyone had fled to take refuge in the bush. My mother was ill, seriously ill. All
13 my brothers and sisters had already left and I was alone in the house with my
14 mother.

15 That day - that day - I was preparing some homebrew and I saw three people arrive
16 to my house. These three people were speaking a language that I did not
17 understand. When they were speaking, I was carrying my daughter in my arms.
18 These people first came into the house and then they went back out. Then they
19 asked me to give them some money and I said to them that I didn't have any. Those
20 three people were speaking in their language and they asked me why I didn't have
21 any money, and I made gestures -- correction, I point out that there was a Central
22 African person with them who had been -- who had come from the other side of the
23 river and that boy was interpreting for me. He was telling me in my language what
24 they were saying. So he told me that these men were asking me for money and
25 I had -- I said that I had 200 francs, which I gave to them. They were furious and

1 they kicked and the money fell into the water.

2 Then after that -- then they asked me to assume a certain position. They also asked
3 my daughter to do the same thing. Then they grabbed a weapon and brandished it
4 and he asked the other ones to go away. All of a sudden he shot a bullet, which
5 grazed my ear, and then he said, "You Central African Republic people, why are you
6 so poor?" After that he ordered me to go into the house, because if I stayed outside I
7 would be assaulted by other soldiers who would be coming later.

8 A few moments later, some others came. There was a woman amongst them and
9 she was carrying a child, and she went into the house and she used her weapon to
10 assault us under the bed. I went -- came out from underneath the bed. She asked
11 me to give her some money, I told her that I didn't have any and she threatened to
12 shoot me if I didn't give her money. She started to assault me and I went in -- I went
13 into my husband's bedroom and I took the money, and that money had been
14 sent -- set aside to buy some cows. You see, my husband is a butcher. And -- and,
15 you see, the money was hidden in a straw container.

16 They went out and they went to the door of the hut belonging to my younger brother.
17 They broke down the door and they took his possessions. Then they went back out
18 again, and I said to my mother that we couldn't stay there. We couldn't still remain
19 there. I put her in a sort of wheelbarrow and I fled with her into the bush.

20 Q. You said that at that time people had fled. Could you tell us why people had
21 fled?

22 A. They burst into the town and they were shooting into the air and so people fled,
23 but I couldn't flee because my mother was ill. She was very ill, suffering. I stayed
24 close by. I had to stay with my mother.

25 Q. Now, when you mention these people who had come to the town, which people

1 are you talking about? Who were these people?

2 A. I was talking about Bemba's soldiers.

3 Q. Who is this person, Bemba?

4 A. I didn't see him before.

5 Q. But how do you know that these people were his soldiers?

6 A. I was able to identify them by the language that they were speaking, and the
7 young people who were with them, those young people told me that they were
8 speaking in Lingala. It was the language of their country.

9 Q. What was the name given to these soldiers?

10 A. They were speaking in Lingala, and the people who were with them, who were
11 working as interpreters for them, those people were speaking to us in French.

12 Q. So you say that these people were the ones speaking Lingala. Madam Victim,
13 is this to say -- is this to say that these troops were called "the people who speak
14 Lingala"?

15 A. They were also referred to as "the Banyamulengue."

16 Q. Where did they come from?

17 A. They had come over from the other side of the river, from Katanga.

18 Q. Where is Katanga?

19 A. Katanga is close to Bangui. That is where they set up their base. Katanga is
20 close to the Bangui road.

21 Q. And what country is Lingala spoken in?

22 A. In our country, we do not speak Lingala.

23 Q. How did it come to be that the Banyamulengue entered the town of Bossangoa?

24 A. Well, the events occurred quite a long time ago. I can't remember the exact
25 date, but I think they entered Bossangoa when night fell.

Trial Hearing
Victim: a/0542/08

(Open Session)

ICC-01/05-01/08

1 Q. Madam Victim --

2 THE INTERPRETER: Inaudible, sound cutting out.

3 MS DOUZIMA LAWSON (CAR): (Interpretation)

4 Q. -- the date on which they arrived. I would just like to know how they came
5 into the town, how they came into Bossangoa. Did they march in? Were they
6 running? Were they in vehicles?

7 A. They were on vehicles. They couldn't have come by foot, because the distance
8 was quite considerable.

9 Q. Did they come during day, during the day, or at night?

10 A. I don't exactly know the exact time they came into the town.

11 Q. A few moments ago you said that your family had fled. How many of your
12 family members fled? How many of them were there?

13 A. Our family is large, more than ten people. They had all fled and I -- well, only
14 three of us stayed back at the house: My mother, my daughter and myself.

15 Q. Where did your family members flee to?

16 A. They fled and they crossed the stream and they took refuge in the bush on the
17 other side of this stream, this waterway.

18 Q. As they fled, did they carry some of their possessions with them?

19 A. No, they did not take anything with them.

20 Q. Now, was this on the same day as the Banyamulengue arrived?

21 THE INTERPRETER: Inaudible, the sound has cut out.

22 THE VICTIM: (Interpretation) The members of my family fled on the same day as
23 the day the Banyamulengue came into the locality.

24 MS DOUZIMA LAWSON (CAR): (Interpretation)

25 Q. Did other inhabitants of Bossangoa flee as well?

1 A. Well, it was complete chaos. Everyone had fled. There were gun-shots
2 everywhere, the sound of gunfire. No one could resist.

3 Q. You said that you stayed there with your young daughter, as well as your
4 mother who was * ill. How old was your daughter at the time?

5 A. At the time she was five years of age.

6 Q. Now, were the three of you together?

7 A. We were in the same concession -- correction, in the same compound, but in
8 different houses. My mother's house is different from my house.

9 Q. Now, did they break into your house, or into your mother's house?

10 A. First of all, they came into my house. Then they went back out, they left my
11 house and they went into my mother's house. At the time my mother was ill, and
12 then they came out of her house to come back to my house.

13 Q. How many of them were there when they first arrived?

14 A. The first group was made up of three people and a person from the Central
15 African Republic was within this first group.

16 Q. Now, this young Central African fellow, was he one of the three?

17 A. They came together.

18 Q. Now, with -- if we include that Central African Republic fellow, were there
19 three or four?

20 A. The Central African Republic person was included. There were three of them.

21 Q. So that is to say that there were two Banyamulengue and one Central African
22 Republic person; is that correct?

23 A. Yes, that's right.

24 Q. What were the Banyamulengue wearing?

25 A. They were wearing military camouflage uniforms and they were carrying rifles.

Trial Hearing
Victim: a/0542/08

(Open Session)

ICC-01/05-01/08

1 Q. And what kind of foot-wear did they have?

2 A. What kind of shoes do soldiers usually wear?

3 Q. This Central African Republic fellow who was with them, was he --

4 THE INTERPRETER: Inaudible, sound cutting out.

5 THE VICTIM: (Interpretation) No, he was not dressed like them.

6 MS DOUZIMA LAWSON (CAR): (Interpretation)

7 Q. And how was he dressed?

8 A. He was wearing ordinary clothes.

9 Q. And how did you know that he was from the Central African Republic?

10 A. He lived on the other side of the river in Katanga, so he was from that side, and
11 he had come with this group.

12 Q. And what was he doing with them?

13 A. He was the one who was carrying the looted goods and taking them across.

14 They also used him to run errands and fetch things for them as well. I'm telling you
15 what happened in the field.

16 PRESIDING JUDGE STEINER: Maître Douzima, sorry to interrupt you. It's time
17 for us to go to our break. I realise that Madam Victim wants to continue with

18 her -- with the presentation of her views and concerns, but we have to suspend for

19 half-an-hour in order to give our interpreters the break they deserve. So please

20 explain to Madam Victim the reason for the break. She can also take some rest.

21 It's 10.30. I'm sorry. I'm sorry, my mistake. I apologise to the parties. You may

22 continue, Maître Douzima. It was my mistake. It's still too early for the break.

23 I'm sorry to interrupt you.

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

25 Q. Madam Victim, I was asking you how you knew that the Banyamulengue had

1 hired this young Central African Republic fellow to accompany them to carry -- to
2 bring them over to the other side of the river. You told me in reply that this is what
3 you knew.

4 A. But the young people of the town did not behave in the same way as the
5 Banyamulengues. At that time, most of the time they would take those young
6 people to assist them in transporting their loot.

7 Q. You said that when they came to your house --

8 THE INTERPRETER: Inaudible.

9 MS DOUZIMA LAWSON (CAR): (Interpretation)

10 Q. -- they asked you for money. You also said that these people spoke Lingala?

11 A. Those people spoke only Lingala, and the young people who were with them
12 served as interpreters and those young people accompanied them everywhere they
13 went.

14 Q. You said that there was another group which came to your house. Was it the
15 same group that had come the first time, or was it a different group?

16 A. Counsel, the second group was different and I even told you that one of the
17 members of that group was a woman.

18 Q. Were they wearing the same clothes and shoes as the members of the first
19 group?

20 A. Yes, they were wearing the same clothes and shoes. In fact, even the young
21 girl who was there with her mother was dressed in the same way.

22 Q. Are you telling us that the Banyamulengue woman who was carrying a child on
23 her back was wearing the same clothes and shoes as the men?

24 A. She was dressed in the same way as the men and she was also carrying a
25 weapon.

1 Q. You said that afterwards that group went and broke down the door of your
2 brother's house?

3 A. It was the second group which came to my house that later went to my
4 brother's house, broke down the door and took away his money.

5 Q. Where was your younger brother at the time that they were breaking down the
6 door of his house?

7 A. I told you a short while ago that everyone else had fled. I was the only one left
8 at home, because my mother was seriously ill. There was no one in his house on
9 that day.

10 Q. What did they do after they broke down the door of your brother's house?

11 A. After breaking down the door, they went into the house. They took his clothes,
12 his foam mattress and many other items belonging to him which they took away.

13 Q. Apart from your house, your mother's house and your brother's house, did the
14 Banyamulengue also go into other houses?

15 A. After they left our compound I went into the house with my daughter so as to
16 try and see how we could flee; that is together with my mother. I do not know how
17 they left the place.

18 Q. You have said that you fled into the bush with your mother and your daughter;
19 is that correct?

20 A. It was in the evening that I was able to flee with my mother, whom I was
21 carrying in a wheelbarrow, so we took refuge in a field.

22 Q. Did you carry any items with you, any of your belongings?

23 A. What could I have carried with me, given that I was transporting her in a
24 wheelbarrow?

25 Q. Can you please tell us what happened next; that is after you fled into the bush?

1 A. After fleeing into the bush, we spent the night there. The following day I
2 stayed by my mother, after which I started looking for some fire-wood. Later on
3 some Banyamulengues came to where we had taken refuge and they ordered us to
4 put our hands up. I started trembling and I was wondering what we were going to
5 do, given that the Banyamulengues had followed us right there. They themselves
6 they started searching inside the hut in which we were. They searched, but they did
7 not find anything and so they came back out again.
8 They then asked me to stand up. They also asked me to come with them. I asked
9 them, "But where are you taking me?" They forcibly compelled me to follow them
10 back towards the direction from whence they came. They grabbed me and I asked
11 them what -- why they were doing all that? Why they were grabbing me? They
12 told me that they wanted to sleep with me. I told them that I was not in good shape,
13 but despite that one of them pushed me to the ground. I told them that I was having
14 my period and that it was not possible to have sexual intercourse. Despite all that,
15 they didn't want to hear anything.
16 One of them started sleeping with me while the other was standing up. One of them
17 asked them to come near me, and then some of them spread my legs and then one of
18 them put the barrel of his gun into my vagina. It was the rapist who was doing that.
19 In the meantime, one of them was still standing up. His ammunition has fallen to
20 the ground. He picked the ammunition up, and shortly afterwards they started
21 kicking me, asking me to stand up. When I stood up I was no longer feeling well,
22 and after that act they went away and they were making fun of me and laughing.
23 Q. Let me remind you of what you were told a short while ago. Please be careful
24 not to mention any names. You may, for example, say that you called or contacted a
25 neighbour, or any such thing. Do you understand me? Madam Victim, did you

1 fully understand what I just told you?

2 A. Yes, I have.

3 PRESIDING JUDGE STEINER: Yes, Maître Kilolo?

4 Madam Victim, please wait. The Defence counsel wants to say something.

5 Maître Kilolo?

6 MR KILOLO: (Interpretation) Thank you, your Honour. The Defence is very
7 concerned by the way this is taking place. Under Article 63(3) of the Rome Statute it
8 is stipulated that certain victims can express their opinions and concerns without
9 prejudice to the rights of the Defence and the right to a fair trial, and one must realise
10 that the expression of views and concerns are considerations of a general nature to
11 take into account the views of the victims purely on a psychological basis.

12 In the pre-trial stage, we actually listened to the views and concerns of the victims in
13 this case. However, ever since this hearing started, we have not heard any views or
14 concerns. What we are instead listening to is an account of incriminating facts.

15 What the victim is actually doing is testifying without having taken the oath that is
16 normally taken prior to testimony. In her narrative she is incriminating the MLC
17 troops with the purpose of establishing a link with Mr Jean-Pierre Bemba, so we
18 believe that she is actually giving evidence almost like a Prosecution witness and
19 under the rules the Defence has no right to react to say anything about these
20 incriminating facts. The Defence can only sit back and watch.

21 This seems to be contrary to the Rome Statute and specifically Article 67. We believe
22 that the right of all accused persons to be present in their trials is supposed to ensure
23 that they are able to defend themselves, including the cross-examination of witnesses
24 who incriminate them, rather than to come to the hearing and be simply spectators.

25 Thank you.

1 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo, for your intervention.

2 It's on the record. I ask whether the Prosecution, Ms Kneuer, would like to address
3 the issue?

4 MS KNEUER: Thank you, Madam President, your Honours. The Prosecution was
5 actually also about to make a submission on this matter.

6 The Prosecution is fully aware that this is the first case before not only this Chamber
7 but the entire Court to hear views and concerns of victims, and our Chamber had in
8 advance of these hearings thoroughly given a framework how this should be done.

9 In particular, your Honours had ordered that the victims are not witnesses and that
10 they are not giving a statement and therefore they would not be taking the oath, and
11 on top of that the views and concerns that they would provide to your Honours
12 would not carry evidentiary weight, or serve evidentiary purposes.

13 In addition, Trial Chamber I, which was endorsed by your Honours, had expressed
14 that, if victims are presenting their views and concerns, this is the equivalent of
15 presenting submissions.

16 It also appears to the Prosecution that the current format is very similar to one of
17 conducting an examination, and in addition it appears that some of the informations
18 that are being elicited are rather evidence than views and concerns. Questions with
19 regard to clothing, for example, to other inhabitants of Bossangoa, may rather link to
20 evidence than to views and concerns.

21 The Prosecution understands that if a victim is presenting views and concerns that
22 this may of course have either incriminatory or exculpatory information in it, but our
23 understanding of how the victims are supposed to present their views and concerns
24 was a different one. Perhaps our expectation was wrong, but we would had thought
25 that the witness would be given an opportunity to present her views and concerns in

Trial Hearing
Victim: a/0542/08

(Open Session)

ICC-01/05-01/08

1 context basically in one row as a story or as an essay.

2 Also, our understanding was rather that the views are personal perspectives or
3 opinions that the victim wants to share with the Judges, your Honours, about matters
4 that are under consideration here; meaning the harm they suffered and what affect
5 that has on their life and potential reparations. With regards to concerns, when we
6 go by both terms, we had expected again information with regard to their personal
7 interest and not so much related to evidence.

8 So the Prosecution actually would like to seek guidance from your Honours how to
9 proceed with this witness - this victim, sorry - but also with the two upcoming
10 victims. We understand that your Honours had given the legal representative of the
11 victim the opportunity to facilitate the presentation of the victim's views and concerns,
12 but currently we are a bit concerned that it's turning into an examination.

13 Thank you, your Honours.

14 PRESIDING JUDGE STEINER: Thank you very much, Ms Kneuer.

15 Now we are, in fact, in the right time for a break. We will suspend the hearing for
16 half-an-hour and, as soon as we resume at 11.30, the Chamber will address the
17 concerns shown by Defence and in a certain way also brought up by the Prosecution.
18 Madam Victim, it's almost 11 o'clock here. We will suspend for half-an-hour. You
19 can take some time to take some rest. We'll be back in half-an-hour at 11.30.

20 The hearing is suspended.

21 THE COURT USHER: All rise.

22 (Recess taken at 10.58 a.m.)

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

24 THE COURT USHER: All rise.

25 Please be seated.

1 PRESIDING JUDGE STEINER: Welcome back.

2 Before the Chamber addresses the issue raised by Defence and Prosecution, I would

3 like to give Maître Douzima the opportunity to expose her views as requested.

4 Maître Douzima, please.

5 MS DOUZIMA LAWSON (CAR): (Interpretation) I thank you, Madam President.

6 Madam President, I listened --

7 THE INTERPRETER: Inaudible.

8 MS DOUZIMA LAWSON (CAR): (Interpretation) I would like to point out that

9 the Chamber's decision of 24 May 2012 stipulates that presentation of the views and

10 concerns of victims will not constitute evidence in this matter, or in this case, or will

11 not be part of the evidence. The legal representatives were accordingly requested, or

12 authorised, to put questions with a view to facilitating the exercise of presenting the

13 views and concerns of the victims.

14 The Chamber decided that the exercise would run for a day of three sessions per

15 victim. Therefore, the presentation of the said views and concerns should not be

16 strictly limited to a narration of the stories of these said victims. If that were to be

17 the case, we would need only one session to do the job and that single session will be

18 more than -- more than enough.

19 In order, therefore, to facilitate a better understanding of the views and concerns of

20 the victims, it is necessary for the victims to start by narrating the facts, which by the

21 way must be in line with their written statements which are before the Court, or

22 before the Chamber, and which were the basis of the Chamber's decision.

23 Madam President, my understanding of your decision of 24 May 2012 -- my

24 understanding is that the Chamber is of the opinion that the presentation of the said

25 views and concerns be done by video link in order to enable the Chamber and the

1 parties to determine the credibility of the victims, so the question must be are we
2 dealing here with victims who are victims in this particular case, or this particular
3 trial?

4 By their stories, we will then be able to understand what they are narrating and their
5 stories need to be understood. This will enable the Chamber to be convinced and to
6 further understand their views and concerns.

7 Finally, we defer to the wisdom of the Chamber so that this part of the hearing is not
8 assimilated to anything other than a simple presentation of the views and concerns of
9 the victims according to the rules of the -- the rules governing the trial before us.

10 Thank you.

11 PRESIDING JUDGE STEINER: Thank you, Maître Douzima, and I apologise for not
12 giving you the floor before we went to the break in order to make your point on the
13 issues raised by Defence.

14 The Chamber is mindful that this is the first time in this Court in which victims are
15 allowed to appear before a Chamber with the sole purpose of presenting views and
16 concerns. The only precedent we have in this Court is related to witnesses that after
17 testifying before Trial Chamber I were allowed to express views and concerns, if any.

18 Granting the right of some victims of the case to present views and concerns,
19 therefore, represents the recognition by this Chamber of the autonomous right that
20 victims have to be heard in the present case and following the statutory framework to
21 present their views and concerns.

22 Defence, according to page 19, as from line 15, of today's transcript, appears to have a
23 very strict understanding that victims can express their opinions and concerns as
24 meaning considerations of a general nature to take into account the views of the
25 victims purely on a psychological basis, and in a certain manner it is seconded by the

1 Prosecution that understands that the way the legal representative is addressing
2 questions to the victim appears an examination.

3 Taking into account that this is the first time victims appear before a court to present
4 views and concerns, it's quite natural in the views of the Chamber that the concerns of
5 the parties raised by the parties would appear as well.

6 The Chamber needs, therefore, first to remind the parties of its main decision on
7 victims' participation, which is decision 2138 from February 2012, in which the
8 Chamber - and at this point it was the Chamber unanimously - decided in its
9 paragraph 19, and here quoting a previous decision of Trial Chamber I, decision 2032,
10 that, and I quote, "The process of victims expressing their views and concerns is not
11 the same as giving evidence. The former is in a sense the equivalent of presenting
12 submissions and, although any views and concerns of the victims may assist the
13 Chamber in its approach to the evidence in the case, these statements by victims
14 made personally, or advanced by the legal representatives, will not form part of the
15 trial evidence. There is, therefore, a critical distinction between these two possible
16 means of placing material before the Chamber."

17 The Chamber deems it sufficient to remind the parties once again, as it did in its
18 decision 2138 and as it said at the beginning of today's hearing, that the present
19 victim is not providing the Chamber with evidence. In the views of the Chamber,
20 this is what needs to be recalled if need be again and again and again.

21 However this is not, as appeared to be suggested by the Prosecution, a reparation
22 hearing. This is a hearing in which victims are invited to present their views and
23 concerns, and views and concerns may include, although not limited to, to refer to the
24 harm suffered.

25 In the view of the Chamber it's not possible for victims in the present case, and with

1 the very specific characteristics of most of our victims, to expect them to present their
2 views and concerns just in a general way, or on a more psychological approach.

3 So the Chamber will allow the present victim to continue presenting her views and
4 concerns, which may include the account of the harm suffered, but will recommend
5 to Maître Douzima to avoid putting to the witness -- to the victim, I'm sorry, so many
6 specific questions that would be better addressed to those that appear before the
7 Court to give evidence. For the purpose of presenting views and concerns, the
8 Chamber doesn't need such level of detail as the one being pursued by
9 Maître Douzima in conducting or in facilitating the presentation of views and
10 concerns by the victim.

11 So with this recommendation, the Chamber will proceed with Victim 542 and
12 requests Maître Douzima to be less detailed in her questions and conduct the victims
13 to focus now from now on on the harm suffered, on the consequences of the alleged
14 conducts for her life and other kind of views and concerns that she may wish to
15 express in relation to the facts allegedly occurred.

16 Maître Douzima, you have the floor back.

17 MS DOUZIMA LAWSON (CAR): (Interpretation) Thank you, Madam President.
18 I have taken note of your recommendations and I will try, to the extent possible, to
19 comply.

20 Q. Madam Victim, before the break you were explaining to the Court what
21 happened to you in the bush when you fled from the Banyamulengue. You
22 specified that you had been raped and that they also used the weapon that they had
23 in their hands, that they were holding, and they stuck that weapon into your vagina.
24 Do you know why they did this?

25 A. I don't know why they did this. I'm just telling you what I was subjected to.

1 They abused me, and I wonder whether that's the way they act in their own country?
2 In our country such a thing has never been done, to put the barrel of a rifle into a
3 woman's vagina. That isn't done. That's not acceptable. I find myself in the
4 middle of these legal proceedings and I have to tell you this story, and when I think
5 about all of those things it is very, very difficult for me.

6 Q. And after they did that to you, what was your health status?

7 A. After all those things that I was subjected to, I went to the side of the stream and
8 I spoke to this girl. She prepared a sort of an infusion for me so that I could bathe, so
9 I could cleanse the area, but that didn't work. So I asked the girl once again whether
10 she could lend me 2,000 francs, she agreed and I used that money to buy some
11 medications that were not enough to heal me.

12 After that, I came back. Things weren't any better after losing all that blood, after all
13 those bloody discharges. I still had pus coming out of my vagina, and I would like
14 to say that, you see, I had an operation well before that time and when I went to see
15 that doctor he agreed to help me. From time to time he would give me some
16 medications to relieve after all of that.

17 A few days later the people from Médecins Sans Frontières arrived in the town and
18 there was some question of my going to see them and explain to them what my
19 problems were, but I couldn't go because of my health condition. So my
20 elder -- older brother consoled me and encouraged me to go see those people from
21 Médecins Sans Frontières, so I did go to the residence of the prefect where the people
22 from Médecins Sans Frontières were.

23 They gave me some medication, but that was not enough to heal me. I still had pus
24 coming out of my vagina and it continued for days and days, and I continued to
25 suffer -- to suffer from that. I continued to suffer and now I consider myself to be a

1 victim. I consider myself to be dead, because something like this has never
2 happened in my country before.

3 Q. Madam Victim, Madam Victim, the Banyamulengue who did this to you, they --

4 THE INTERPRETER: Inaudible.

5 THE VICTIM: (Interpretation) There were four of them.

6 MS DOUZIMA LAWSON (CAR): (Interpretation)

7 Q. You said that the people from Médecins Sans Frontières arrived in Bossangoa.

8 Did they get there when the Banyamulengue were present, or --

9 THE INTERPRETER: Inaudible.

10 THE VICTIM: (Interpretation) They arrived after the Banyamulengue had left.

11 MS DOUZIMA LAWSON (CAR): (Interpretation)

12 Q. Who called in Médecins Sans Frontières, Doctors Without Borders?

13 A. I don't know.

14 Q. You say that such a thing had never happened in Bossangoa. After the
15 Banyamulengue left, what was the atmosphere like in Bossangoa?

16 A. After the Banyamulengue left, for the most part people stayed in the bush.
17 Very few people came out.

18 Q. Was your mother present and your daughter when those things happened to
19 you?

20 A. Yes, I had my daughter with me when they took me. They did those things to
21 me in the presence of my daughter.

22 Q. How did your daughter react?

23 A. My daughter was crying as they were abusing me.

24 Q. You said that your partner had fled to Bangui; is that correct?

25 A. I haven't understood your question.

1 Q. Now, in your previous statement, I understood that your partner - your
2 common law husband - had fled to Bangui; is that correct?

3 A. Yes, he went to Bangui.

4 Q. After the events, did he come back to Bossangoa?

5 A. Yes, he came back to Bossangoa after what happened to me. He was told that
6 I had been raped by the Banyamulengue and his relatives told him to get rid of me
7 because I had been raped by the Banyamulengue and I certainly had been infected by
8 them, and so my husband repudiated me. He refused to help me, not even
9 financially so that I could support the children. He went away and he abandoned
10 me, leaving me all alone; alone to face all these difficulties and burdens.

11 Q. Does this mean that you are now responsible for all these children, the six
12 children?

13 A. Yes. Yes, I am responsible for all of them.

14 Q. Since 2002 or 2003 right up until this time?

15 A. Yes, that's right. One of my children was able to finish the baccalaureate.

16 Q. You say that you are not working. How do you manage to provide for them?

17 A. I sell home-brewed alcohol and I also belong to a women's *mutual-assistance group.

18 Q. After you separated from your common law husband, were you able to rebuild
19 a life for yourself?

20 A. Yes, I met a man after those events and we've had two children together. So
21 that man went off to the provinces four years ago. He left because he heard about
22 what had happened to me and then, you see, he learned later that I had been raped
23 and abused by the Banyamulengue and so he went off.

24 Q. Is that to say that the people in Bossangoa are aware of what happened to you?

25 A. Yes, everyone knows. Everyone heard about it, to such an extent that I

1 couldn't even walk down the street because I was being stigmatised. People were
2 singling me out. Everyone would point me out and say that I had been a victim of
3 rape.

4 Q. You just said that you have been stigmatised in Bossangoa?

5 A. Well, you know, in Bossangoa there are many rumours and everyone was
6 wanting to find out what had happened in the town, and so everyone heard about
7 what had happened to me.

8 Q. Well, because of that, how do you feel within your community?

9 A. I've told you I've been traumatised by what happened. Each time I would
10 walk around, people would point at me. People were just talking about me.

11 Q. And what has this been like for your children? What has been the impact on
12 them?

13 A. Well, what could my children do given such a traumatic situation?

14 Q. Since the year 2003 you say that you received treatment at that time, treatment
15 from the Médecins Sans Frontières, Doctors Without Borders. Today are you
16 completely healed?

17 A. After those events my brothers collected some money for me and they sent me
18 to Bangui for medical examinations, and I had four medical exams before I went back
19 to Bossangoa and I'm still there in Bossangoa and I continue to receive treatment.

20 Q. How long did the Banyamulengue remain in Bossangoa?

21 A. They stayed in the locality. They stayed.

22 Q. Now, other than yourself, were there other victims of the Banyamulengue?

23 A. Several people were subjected to the same thing as I was. Unfortunately, some
24 people still do not wish to come forward. Some people from the Social Affairs
25 Ministry came and asked the female rape victims to come out and show themselves,

1 and that is when I heard the call. So I went out and I -- and I registered, so to speak.
2 I couldn't do anything else. I was a victim, so that is why I find myself here today in
3 front of you.

4 Q. You say that in Bossangoa there were other victims. Were other women
5 raped?

6 A. Yes, several women were raped.

7 Q. Have these women been stigmatised as you have been?

8 A. Yes, in Bossangoa there are many of us. Many women have been recognised
9 as victims of rape. Some have died and others are still alive.

10 Q. Do you know whether the inhabitants of Bossangoa were subjected to looting?

11 A. They looted many items that belonged to the population.

12 Q. Did they also kill people in Bossangoa?

13 A. They killed many people. Even sometimes the corpses were strewn about the
14 streets and stray dogs would eat them.

15 Q. Do you know whether the Banyamulengue were specifically targeting one
16 particular group, or kind of person? Did they just attack adults, or children?

17 THE INTERPRETER: Inaudible.

18 THE VICTIM: (Interpretation) They attacked everyone; young people, old people.
19 They did not discriminate in any way.

20 MS DOUZIMA LAWSON (CAR): (Interpretation)

21 Q. What was their modus operandi?

22 PRESIDING JUDGE STEINER: Maître Douzima, if you allow me to interrupt.

23 In order to continue with the present victim presenting her views and concerns, and
24 although you've been authorised to guide the presentations of her views and
25 concerns and although the Chamber has stated that part of these views and concerns

1 is to report or to give an account of the harm suffered, the Chamber would prefer that
2 you keep the presentation of views and concerns to the harm suffered by the present
3 victim, not by others, and so to be more specific in relation to the victim herself and
4 not about what generally occurred in Bossangoa, which is not the purpose of the
5 present submissions.

6 Thank you, Maître.

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

8 Q. Madam Victim, after everything that happened to you, what do you expect
9 from these proceedings?

10 A. We have a lawyer, someone who is representing us before the Court. So we
11 expect -- and I in particular, I would request the legal representative to open her eyes,
12 to be very vigilant with regard to everything that is happening.

13 Q. Madam Victim, can you please tell us why you decided or preferred to testify
14 without any protection measures?

15 A. There was a lot of damage done, there were many deaths in our locality, and
16 many people suffered as a result including myself. I am suffering and I do not know
17 how to provide for the children who are in my responsibility, the children that I am
18 taking care of.

19 MS DOUZIMA LAWSON (CAR): (Interpretation) Madam Victim, I would like
20 now to thank you for having accepted to answer my questions before the Chamber.
21 I do not know whether the Judges have any questions for you, but for my part I have
22 no further questions.

23 Thank you, your Honour.

24 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima.

25 We don't have any specific questions to put to Madam Victim, but I would like to

1 give to Madam Victim the opportunity to say whatever -- whatever she wants to say
2 because this is the main purpose of the present hearing, to hear the victims of the
3 case.

4 Q. Madam Victim, if is there anything you would like to address to the Judges,
5 please feel free to do it.

6 A. Your Honour, I really do not have much to say. I defer to the legal
7 representative who will have to do whatever she is doing on my behalf. So I have
8 nothing more to say, your Honour.

9 Q. Madam Victim, how are you feeling now after having expressed your -- told
10 your story and have expressed your views and concerns to the Chamber? How are
11 you feeling?

12 A. I believe I have told you that I have problems; that is I have pain in my stomach,
13 my lower areas to be more specific.

14 Q. Madam Victim, beside your physical problems, the Chamber would like to
15 know how are you feeling after having appeared before the Chamber to tell your
16 story?

17 A. Madam President, thank you for that question. I do not feel at ease each time I
18 have to give an account of the acts that I was subjected to, but for the time being I feel
19 relieved.

20 Q. Madam Victim, why did you decide to come and tell your story before the
21 Court?

22 A. I have told you what happened to me. If I did not do that, I would not feel
23 comfortable. It is for that reason that I decided to express all my concerns and talk
24 about everything that happened to me to the Court.

25 PRESIDING JUDGE STEINER: Madam, the Chamber thanks you very much for the

Trial Hearing
Victim: a/0542/08

(Open Session)

ICC-01/05-01/08

1 time and trouble you had to appear before the Chamber in order to tell your story, to
2 express your views, your concerns, and the fact that now you feel some relief. We
3 thank you very much for that.

4 The support assistant from VWU is present and will assist you in whatever you need
5 in order for you to have a safe trip back to your home.

6 Thank you, Maître Douzima.

7 We will suspend now the present hearing. We will continue in the afternoon
8 listening to the views and concerns of Victim 394. We will therefore resume I think
9 at 2.30, as always.

10 I thank very much the Prosecution, Defence, Maître Douzima, interpreters, court
11 reporters. We will suspend then now and resume at 2.30 when we will hear the
12 presentation of views and concerns of Victim 394.

13 The hearing is suspended.

14 THE COURT USHER: All rise.

15 (Recess taken at 12.42 p.m.)

16 (Upon resuming in open session at 2.36 p.m.)

17 THE COURT USHER: All rise.

18 Please be seated.

19 PRESIDING JUDGE STEINER: Good afternoon and welcome back. I welcome the
20 Prosecution team, the staff from the legal representatives of victims, Defence team,
21 Mr Jean-Pierre Bemba Gombo.

22 This afternoon we will continue with the hearing that started this morning and this
23 time to listen to the views and concerns of Victim 394.

24 The Chamber has an oral decision to be issued that can be issues in open session.

25 On 22 June 2012, the legal representative of Victim 394/08, Maître Douzima, filed the

1 application number 2231, confidential, wherein it requests -- she requests in-court
2 protective measures, including the use of a pseudonym, image and voice distortion
3 and when necessary limited use of private or closed sessions for the presentation of
4 views and concerns by Victim a/394/08. Maître Douzima submits that the victim
5 requested protective measures that appear to be necessary to protect him and his
6 family in his community.

7 On 22 June 2012, the Victims and Witnesses Unit (VWU) submitted a security
8 assessment for Victim 394 supporting the requested protective measures.

9 Furthermore, upon assessment made by VWU, it is recommended the presence of a
10 VWU support assistant outside the room from which the video link will be
11 broadcasted in order to offer support to the victim during breaks under the guidance
12 of a psychologist. The VWU also recommends the presence of a psychologist in the
13 courtroom in order to monitor the victim via video link.

14 Pursuant to Article 68(1) and (2) of the Statute and Rule 87 of the Rules of Procedure
15 and Evidence, the Chamber considers that due to the particular circumstances of
16 Victim 394 the protective measures requested for the victim are necessary, reasonable
17 and proportionate. The requested protective measures will enable the victim and his
18 family to continue living in their community without fear of being identified and as a
19 result of being threatened or harassed.

20 The Chamber therefore grants the application for protective measures for Victim 394
21 and authorises the use of a pseudonym, image and voice distortion and, if need be,
22 partial use of private or closed session.

23 Furthermore, in accordance with Article 68(1) and Rule 88(1) of the Rules of
24 Procedure and Evidence, here applied by analogy, the Chamber agrees with the VWU
25 suggestions for special measures and authorises the presence of a VWU support

Trial Hearing
Victim: a/0394/08

(Private Session)

ICC-01/05-01/08

1 assistant outside the room from where the video link will be broadcasted and the
2 presence of the psychologist in the courtroom. In addition the Chamber will closely
3 observe the victim and, if necessary, will break more frequently.

4 I will ask, please, the court officer to turn briefly into -- private session is enough?

5 Yes, turn into private session in order for the victim to be brought into the room from
6 which his views and concerns will be broadcast.

7 (Private session at 2.43 p.m.)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Open session at 2.46 p.m.)

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

17 PRESIDING JUDGE STEINER: Thank you very much.

18 Good afternoon, Maître Douzima, and good afternoon, Mr Victim.

19 THE VICTIM: (Interpretation) Good afternoon, Madam President.

20 PRESIDING JUDGE STEINER: Sir, you are with us today by means of a video link

21 to present your views and concerns to this Chamber. In your presentation of your

22 views and concerns, you will be guided by your legal representative, Maître Douzima

23 Lawson.

24 As you may already know, the Chamber has now put in place measures to protect

25 your identity from the public and you will therefore be referred to during the course

Trial Hearing
Victim: a/0394/08

(Open Session)

ICC-01/05-01/08

1 of your submissions as "Mr Victim." Your name will not be mentioned. Your voice
2 and also your image that are broadcast outside this courtroom will be distorted so
3 that you cannot be identified by the public.

4 We are aware, Mr Victim, that there are other victims, witnesses and persons
5 connected with this case and connected to you whose identities are not known and
6 should not be known by the public as well. I will therefore ask you, Mr Victim, that
7 with the assistance of your legal representative, Maître Douzima, that you exercise
8 caution and do not mention any names of persons who may be considered vulnerable,
9 or victims as yourself, or witnesses, or in any case that could fear to be identified in
10 the context of these proceedings. So you need to be very careful, sir, in order not to
11 mention names of neighbours, family members, friends of yours, in order not to
12 identify yourself and not to identify these persons.

13 If need be, if it is necessary for you to mention any names of family members, of
14 neighbours, of people you know, will you please let us know in advance and we can
15 go into closed session. In closed session you can feel free to mention names, because
16 in closed session nobody can hear you, only the persons that are here present in this
17 courtroom.

18 Do you understand that, sir?

19 THE VICTIM: (Interpretation) Yes, I do.

20 PRESIDING JUDGE STEINER: Mr Victim, you will present your views and
21 concerns before the Chamber and in the presence of representatives of the Office of
22 the Prosecutor, in the presence of Defence counsel and in the presence of the accused,
23 Mr Jean-Pierre Bemba Gombo.

24 Because we speak, sir, different languages, there is interpretation so we can
25 understand each other. Because of this, Mr Victim, it's very important that you

Trial Hearing
Victim: a/0394/08

(Open Session)

ICC-01/05-01/08

1 speak slowly, slower than normal, in order to allow the interpreters to do their job.
2 In case you start speeding up, I will have to interrupt you and ask you to slow down.
3 Please don't take offence. That should not discourage you from talking, but it's just
4 because of the interpretation. They need to have some time to proceed with a
5 proper interpretation from Sango into French and into English.

6 Do you understand that, sir?

7 THE VICTIM: (Interpretation) Yes, I do understand that.

8 PRESIDING JUDGE STEINER: Thank you very much. We will now proceed.

9 Maître Douzima, you have the floor and, whenever you feel that the victim will
10 mention any names of persons that could identify himself or these persons, please
11 don't forget asking the Chamber to go into closed session.

12 You have the floor, Maître Douzima.

13 MS DOUZIMA LAWSON (CAR): (Interpretation) I thank you, Madam President.

14 Madam President, I would like to start by pointing out that a good part of the
15 decision which you have just read out was not heard from this end because of
16 technical problems.

17 In any event, I will do my best to guide this victim and to ensure that he does not
18 mention any names.

19 QUESTIONED BY MS DOUZIMA LAWSON (CAR): (Interpretation)

20 Q. Good afternoon, sir.

21 A. Good afternoon, Counsel.

22 Q. Sir, the President has already mentioned that I am Maître Marie-Edith Douzima
23 Lawson, legal representative of victims in this trial, the trial of Jean-Pierre Bemba.
24 I am also representing you.

25 You have been authorised to present your views and concerns to the Chamber as a

Trial Hearing
Victim: a/0394/08

(Private Session)

ICC-01/05-01/08

1 victim. In order to assist you in that task, and to enable the Judges to understand
2 you properly, I will be putting a few questions to you such as "When?", "Why?",
3 "What?", "How?", et cetera.

4 Now, with the leave of the Chamber, and mindful of the protective measures in place
5 that have been granted to the victim --

6 THE INTERPRETER: The interpreters note that the sound quality is extremely poor.

7 MS DOUZIMA LAWSON (CAR): (Interpretation) Mindful of the above, I would
8 like to proceed to the identification of the victim in closed session.

9 PRESIDING JUDGE STEINER: Yes, Maître Douzima, we'll go into closed session.

10 Before we do that, I just wanted to remind you and the parties that are present in this
11 courtroom that the victim is not giving testimony and as such he's not being
12 questioned nor presenting views and concerns under oath.

13 Therefore, the Chamber once again recommends Maître Douzima not to go into many
14 details. Although the victim is allowed to tell his story, the Chamber would
15 appreciate if not too many questions involving details are put to the victim since once
16 again we repeat the content of the victim's statement is not evidence in this case.

17 I ask, please, the court officer to turn into private session.

18 (Private session at 3.01 p.m.)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Victim: a/0394/08

(Private Session)

ICC-01/05-01/08

1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Open session at 3.06 p.m.)
20 THE COURT OFFICER: We are in open session, Madam President.
21 PRESIDING JUDGE STEINER: Maître Douzima, we are in open session.
22 MS DOUZIMA LAWSON (CAR): (Interpretation) I thank you, your Honour.
23 Q. Sir, I would just like to remind you that you will have to be very careful. You
24 mustn't mention the names of any people or places that might --
25 THE INTERPRETER: Inaudible.

Trial Hearing
Victim: a/0394/08

(Open Session)

ICC-01/05-01/08

1 MS DOUZIMA LAWSON (CAR): (Interpretation)

2 Q. Now, I believe you know why you are here. My first question is were you
3 living in the same place --

4 THE INTERPRETER: Inaudible.

5 MS DOUZIMA LAWSON (CAR): (Interpretation)

6 Q. -- in 2003?

7 A. I still live in the same place.

8 Q. Could you tell us what occurred at that time in your locality?

9 A. At that time Jean-Pierre Bemba's soldiers arrived in my locality, more
10 specifically on the 7th -- 7 December 2002. After they arrived, they fought on that
11 same day. They fought the rebels who were in our area and, since they were
12 stronger than the rebels, the rebels withdrew and went into the bush.
13 After that, the day after this skirmish, two of those rebels chased me into the bush
14 and there in the bush they said to me that the day before they had been fighting the
15 rebels of Jean-Pierre Bemba and, since Jean-Pierre Bemba's soldiers were stronger,
16 they had been forced to withdraw and that is why they were in the bush.
17 Two or three days after that, a few inhabitants of the locality followed me into the
18 bush and told me that the Banyamulengue had asked the inhabitants of the town to
19 come back out. When I learned that, and realising I no longer had any supplies, I
20 thought it would be best -- well, it would be necessary to come back out with my wife
21 and my four children.

22 Once I got to a point about five kilometres away from the town, I said to my wife and
23 my children to stay at that particular spot and I was going to go into the town all
24 alone to see what the situation was like and then I would come back to fetch them.

25 When I got to the town, when I got to the paved road, I didn't see anyone, and on this

1 road where the Banyamulengue were I saw blood on the ground and I became
2 frightened. Just beside that point there were some Banyamulengue and there was
3 also a deacon who was in front of his house.
4 Right after that, the Banyamulengue who were off to the side called out and they
5 were saying, "Yaka, yaka, rebel, Bozizé." I went up to them and they said to me,
6 "You look like one of Bozizé's rebels," and I said, "No, I am not one of Bozizé's rebels."
7 I fled into the bush to protect myself, and the deacon who was just beside us spoke to
8 them and he said, "No, (Redacted)
9 And these Banyamulengue asked me where I was going and I said to them, "I'm
10 going back to my house. My house is not far away from where you are." And they
11 said, "No." I said to them that I had come to see what the situation was and that
12 I was going to go back and fetch my wife and my children.
13 I had gone on further. When I got to the house, I saw that the house was being
14 occupied by the Banyamulengue. They were inside the house. Their commander
15 was living in my house, and this commander had a nickname and, if you wish, I can
16 give you his name.
17 PRESIDING JUDGE STEINER: Mr Victim, you can mention the name of the person,
18 but not in public session. A little bit later we go into private session and you can say
19 the name of the commander that, as you say, was in your house.
20 THE VICTIM: (Interpretation) Once I got to the house he said to me, "Listen, your
21 house belongs to me now. You'll have to find some place. You'll have to find some
22 other house to live in," and I was frightened and I went to the home of my father and
23 I spent the night there.
24 The next day my wife and my children, who were in the bush, followed me. They
25 came out of the bush and they sent me some people and they asked me to come back

1 into the town. Now, at that time, there was a small village just beside. It was
2 occupied by them, and so I found myself forced to go and sleep in my father's home.
3 Some time later my wife and my children joined me, and we had to sleep on the
4 ground because there were no beds for us. My brothers and sisters were driven out
5 of the house, and I had to go and gather some leaves to put on the ground so that my
6 wife and children could sleep on the ground. I had no sheets and, you see, this was
7 during the dry season and it was cold. I had no sheets for them, no blankets. I had
8 one child by the name of (Redacted).
9 He wasn't even two years of age.
10 It was very difficult for me to find anything to eat, and I had to go off into the bush
11 and look for wild yams because my field or my farm just behind the house occupied
12 by the Banyamulengue was being used by them. They took everything there.
13 The women came from the other side to farm the cassava. I had some barrels of rice
14 and also some bags of rice. I also was raising chickens, but those Banyamulengue
15 killed all those chickens.
16 It's difficult -- it was difficult for me to feed myself at that time, and so at one
17 particular point one day one of the Banyamulengue came and tried to get some
18 drinking water and, you see, to get the water he wanted to use a bucket that we used
19 for the shower. So he took that pail, that bucket, and he tied a rope to it so that he
20 could draw some water from the well, and when I saw that I said to him not to use
21 that bucket because it was used for the toilets and that it had germs.
22 When he heard that, he became furious. He grabbed his weapon, he pointed it at me
23 and he wanted to shoot me right then and there. He said to me that he was one of
24 Jean-Pierre Bemba's soldiers and he was not one of Bozizé's rebels, and that if I
25 continued to provoke him he could shoot me right there and then.

1 And seeing that, some FACA soldiers who were there with them -- well, actually one
2 of the FACA soldiers also grabbed his own weapon which he pointed at the
3 Banyamulengue and threatened to shoot him if he were to kill me. It degenerated
4 into a stormy argument between -- immediately thereafter other FACA soldiers
5 joined the first one and the Banyamulengue came to the assistance of their fellow
6 soldier and finally they were able to disarm the Banyamulengue -- well, rather, they
7 didn't disarm him, but they kept him from killing me. That day, I was really
8 terrorised and my children were completely taken aback by the events.
9 I'd like to specify that my house was being -- was occupied by those Banyamulengue
10 for two months and my farm was right behind, so I couldn't go to my farm to get any
11 food because they kept me from going there. They wouldn't let me go there.
12 One day, when I tried to go to that particular field, that farm, I saw a man aged
13 somewhere between 60 and 65. They stopped this man. They gave him some soap
14 and a sponge. Three of the Banyamulengue seized this man and dragged him into
15 the bush.
16 Two days later the son of this man, who was working in Bangui --
17 THE INTERPRETER: Well, correction, the son worked in Bangui.
18 THE VICTIM: (Interpretation) -- went to the locality, and the Banyamulengue
19 grabbed this child who was trying to get some information about his father and those
20 Banyamulengue sent the boy to the home of my father. They told him to ask my
21 father the question. The boy immediately went to our home and he tried to give a
22 description of his father so as to get some information, if there was any.
23 Your Honour, I am telling you in all truth. If I had given the correct version of what
24 happened to this man, to his son, I would have been shot right then and there. So,
25 you see, instead I said to this boy that his father had disappeared and we didn't know

Trial Hearing
Victim: a/0394/08

(Open Session)

ICC-01/05-01/08

1 where he had gone. This was after the events.
2 I saw a body just behind my house. Some workers from the Red Cross came to bury
3 this body. Two years later the body was exhumed and then reburied elsewhere.
4 My home, which I built by the sweat of my brow, I could not live in that house.
5 I could no longer live in it after they left. Why? Because they had destroyed all the
6 actual structure of the house, the framing. They used the frame of the house. They
7 burnt it to cook their food. They destroyed all my furniture. They took all kinds of
8 items including a shotgun - a 1075 - that we used to use to hunt elephants. As I was
9 fleeing I was careful to bury it somewhere, and I don't know how they were able to
10 find that weapon. They even took my wife's kitchen utensils. They scattered
11 ammunition on the roof of the house. There was some ammunition for mortars that
12 were also found in my compound in the yard; in the yard belonging to my house.
13 After they left, when the inhabitants of the locality tried to burn the grass behind the
14 houses, all we could hear was gunfire, gun-shots. So I would like to stress that the
15 two months that they spent in the locality were disastrous, because they destroyed
16 absolutely everything in the locality before they left.
17 Since the events occurred a very long time ago, I think I've forgotten some of the
18 details. I thank you.

19 MS DOUZIMA LAWSON (CAR): (Interpretation)

20 Q. Sir, now you just said that since the events --

21 THE INTERPRETER: Inaudible.

22 MS DOUZIMA LAWSON (CAR): (Interpretation)

23 Q. -- you have forgotten a few things. I'm going to try to help you a bit. During
24 this account that you've given us, you reminded us of the arrival of the
25 Banyamulengue. Now, what people are you talking about, these Banyamulengue?

1 A. Thank you, Counsel. How was I able to identify them as Banyamulengues?
2 Let me begin by saying that I spent two months amongst them. I can even describe
3 to you what a Banyamulengue is like. I was even able to understand certain words
4 of their language.

5 I am not in the army today because of my height, but I can tell you that that criterion
6 was not applicable to the Banyamulengue. Amongst them everybody could be a
7 soldier, children and adults.

8 Q. When they arrived in your locality, were you already in the bush?

9 A. When the Banyamulengues came into my neighbourhood, I had already fled
10 along with my children and I had sought refuge in the bush.

11 Q. How did you know that the Banyamulengues were going to come into your
12 town, or into your neighbourhood?

13 A. One of my sisters had travelled to Bangui and in Bangui she had heard that the
14 Banyamulengue were going to come to Damara to fight against the rebels, and when
15 she returned from Bangui she warned us that the Banyamulengue were going to
16 come and that they were very cruel people. She added that I should try to seek
17 refuge somewhere.

18 Q. You fled with your family. Was that the same day that you received that
19 information, or was it some time afterwards?

20 A. As I have already stated here, as soon as I received the information about the
21 impending arrival of the Banyamulengue, on the following day I told my wife that
22 we had to leave the village. That is how come we took some food items with us,
23 including cassava, and then we fled into the bush.

24 Q. Did other inhabitants of your village also take flight like you did?

25 A. At the time that we fled there were other people who were still there, because

1 not everyone was aware of that information.

2 Q. A short while ago you said that, when you were returning from the bush, you
3 were stopped by the Banyamulengue and they called you a Bozizé rebel. You said
4 that it was a religious leader of your locality who interceded in your favour and who
5 later informed you that they had just killed a young man because they had believed
6 that he was a Bozizé rebel.

7 A. That is correct. That is what that deacon told me. I understood everything,
8 because at the end of the hostilities Red Cross workers went and incinerated a dead
9 body. The Banyamulengues had thrown a dead body into someone's house and that
10 person ended up leaving the village, and when that dead body was incinerated the
11 house actually collapsed.

12 Q. How did you feel after receiving such information?

13 A. When I heard that information I became afraid, and while I was passing
14 through where they were stationed on my way to my father's house I was frightened.
15 I was very afraid, because there were many Banyamulengues by the roadside and
16 every short while they would stop me and question me, and I told them that I was
17 going to the mayor's house and that it was right nearby and that is how I was able to
18 go right to my father's house.

19 Q. You have said that they occupied your house for a period of two months and
20 that they looted your property over that period of two months.

21 A. The truth is that they occupied my house for two months. They looted all my
22 property, including my cassava farm which was behind the house.

23 Let me tell you a story, or an anecdote. There was a Banyamulengue who had not
24 been paid his salary. He started shooting in the air and he even shot at the other
25 Banyamulengue. My father, the wives and myself, we took refuge inside the house,

1 because he was shooting even at the other Banyamulengues.

2 One of their leaders intervened and spoke to him in Lingala, begging him to stop
3 what he was doing, and that is how come he stopped shooting. The leader
4 approached him in the bush and brought him out.

5 It was the following day that the other Banyamulengues informed us that that
6 Banyamulengue had been angry because he had not received his salary and the
7 commander told him to have himself paid on the ground. He should obtain his
8 salary in the field.

9 Q. What property specifically did they loot from you?

10 A. I would like to mention the hunting rifle that belonged to my father. It was a
11 Ben Vehicle (phon) 1075. I would also like to talk about my cassava farm which was
12 behind the house, which they totally looted, and then there where my stocks of maize
13 which were looted. I had bags of rice in a barrel which they took. They took my 23
14 chickens. They took my kitchen utensils. In a nutshell, they looted everything that
15 was in my house.

16 I will tell you another story. One day I was in my father's house and the commander
17 of the Banyamulengues, (Redacted) asked the
18 Banyamulengue commander to hand over the foam mattresses belonging to the
19 members of the population that the Banyamulengues had seized. The
20 Banyamulengue returned about 100 foam mattresses, but that same night the
21 Banyamulengue returned and took those foam mattresses away again this time for
22 good.

23 Q. For how long, over what period, did you acquire all that property that the
24 Banyamulengue looted?

25 A. I settled in that neighbourhood in 1974. From that year, up until 2002, I believe

1 that would be about ten years. In fact, I settled in that neighbourhood in 1994.

2 THE INTERPRETER: That was a correction by the interpreter, 1994.

3 MS DOUZIMA LAWSON (CAR): (Interpretation)

4 Q. You said that you, your wife and children took refuge in your father's house
5 and you said that you were sleeping on leaves on the ground. Was this the case
6 throughout the entire period that the Banyamulengues occupied your house, that is
7 over that entire period of two months?

8 A. We spent the nights on the floor for two months because we had no means of
9 acquiring other beds. How would you travel anywhere to buy beds and how would
10 you obtain them? So the main reason why we were not able to procure any beds
11 was financial. I did not have the resources to buy other beds.

12 Q. How did you and your family feel during that period?

13 A. As I have told you, I had lived in the rural areas and so I was able to identify
14 wild yams. There were even wild fruits that I could harvest in the bush and feed my
15 family. Sometimes even the Banyamulengues took pity on us and gave us a little
16 something to eat.

17 Q. You stated that when you returned to your house you could no longer stay
18 there because you found grenades there. You were afraid that those grenades could
19 explode.

20 A. After their departure, I asked a soldier to come and take away all those
21 grenades, ammunition and what have you. If you want, I can give you the name of
22 that soldier. He was the one who helped me to clear out the grenades, ammunition
23 and other items that were there. There was ammunition of all types. I made the
24 effort to pick them up and throw them in the garbage, and one day by mistake we set
25 fire to it and the ammunition exploded.

Trial Hearing
Victim: a/0394/08

(Private Session)

ICC-01/05-01/08

1 Q. Were you able to return to your house at the end?

2 A. It took me three months to rebuild my house. I had to cut down wood and
3 straw in order to rebuild my house.

4 PRESIDING JUDGE STEINER: Maître Douzima, we have only a few minutes before
5 we adjourn for today, but before we adjourn I would like us to go very briefly into
6 private session in order for the witness -- for the victim to be able to say the two
7 names that he mentioned he would say, but not in open session.

8 Court officer, please turn into private session.

9 (Private session at 3.55 p.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Open session at 3.58 p.m.)

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

25 PRESIDING JUDGE STEINER: Mr Victim, it's almost 4 o'clock. We will suspend

Trial Hearing
Victim: a/0394/08

(Private Session)

ICC-01/05-01/08

1 the hearing for today and we'll continue tomorrow morning at 9.30 in the morning.
2 We thank you very much and wish you have a restful night and that we can continue
3 with you tomorrow morning.
4 Thank you very much Maître Douzima, thank you very much Madam Jasmine
5 Toumaj that are in Bangui. I thank very much the Prosecution team, the staff from
6 the legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba Gombo.
7 I thank very much our interpreters, court reporters.
8 We will adjourn for today and resume tomorrow morning at 9.30 with the
9 continuation of the presentation of views and concerns by Victim 394.
10 Court officer, please turn into private session.
11 In the meantime, we will adjourn.
12 (Private session at 4.00 p.m.)
13 (Redacted)
14 (Redacted)
15 (The hearing ends in private session at 4.00 p.m.)
16 CORRECTIONS REPORT
17 The Court Interpretation and Translation Section has made the following corrections
18 in the transcript:
19 *Page 6 lines 13 and 14
20 A. (No interpretation)
21 Q. (No interpretation) And then just to break -- do you have children? Is corrected
22 by A. I am not married.
23 Q. Do you have children?
24 *Page 11 line 4
25 ..."your mother who was gravely ill." Is corrected by "...your mother who was ill."

Trial Hearing
Victim: a/0394/08

(Private Session)

ICC-01/05-01/08

- 1 *Page 25 line 17
- 2 "... belong to a women's group." Is corrected by "... belong to a women's
- 3 mutual-assistance group."