

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Situation: Central African Republic

4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

6 Judge Kuniko Ozaki

7 Trial Hearing

8 Tuesday, 30 November 2010

9 (The hearing resumes in open session at 2.37 p.m. from Courtroom 2)

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

11 THE COURT OFFICER: Good afternoon, your Honours, Madam President. We
12 are in open session.

13 PRESIDING JUDGE STEINER: Good afternoon. We resume now our afternoon
14 session and, as discussed in our morning's session, today the Chamber will start
15 hearing the third witness to be called by the Prosecution in this case, Witness 22.

16 Before doing so, the Chamber has prepared an oral decision in relation to a late
17 request of the legal representatives of victims that wished to be allowed to direct
18 questions to Witness 22 after the Prosecution questioning.

19 The request has come to the Chamber by email, and the Chamber is aware that it is
20 not within the seven days' time limit as determined by the Chamber in the following
21 decisions: First decision 807 of 12 July 2010; and decision 1005 of 10 November 2010;
22 and decision 20 of 19 November 2010.

23 So it was clearly stated that legal representatives wishing to participate during the
24 trial proceedings should set out in a discrete application the nature and detail of their
25 proposed questions to witnesses at least seven days before the witness is scheduled to

1 testify.

2 In addition, as decided by the Chamber on 19 November 2010, decision 1023,
3 paragraph 19, at the end of questioning by the Prosecution legal representatives may
4 request leave to ask questions in addition to those questions filed in the application
5 referred above.

6 I would like very briefly first to give the floor to the legal representatives in order to
7 give them an opportunity to justify if -- to give reasons, if any, for the fact that they
8 didn't file with the seven days' delay a proper request for questioning Witness 22.

9 MS DOUZIMA-LAWSON: (Interpretation) Thank you, Madam President. In fact,
10 we intended to inform you of the several problems that we have come up against
11 ever since we came here. To begin with, right now that I'm speaking to you, except
12 I'm mistaken, we still do not have a case manager, so it is not possible for us to do
13 several things at the same time. Since 19 November I identified a case manager and
14 I requested that that person be appointed, but so far no decision has been issued.
15 Secondly, you will remember that last week we presented the technical problems that
16 we have by email to you which made it impossible for us to submit our questions to
17 the Court on time. Our computers were not functioning properly, and this meant
18 that the familiarisation exercise relating to the Court software was interrupted
19 prematurely and so far we have not yet received that training. This means that we
20 do not have access to information and other materials that would allow us to work
21 usefully.

22 During the lunch break, we decided to inform the Chamber of this situation so that
23 you should be able to take those difficulties into account with regard to the present
24 proceedings. We do not deny that some of the problems have in fact been resolved,
25 but there are other important difficulties that are not yet solved and that creates great

1 difficulties for us. Thank you, Madam President.

2 PRESIDING JUDGE STEINER: Maître Zarambaud, you have anything to add?

3 MR ZARAMBAUD: (Interpretation) Yes, your Honour. All I have to add is that,
4 as far as I'm concerned, my computer is not yet connected to a printer and so I have
5 problems having hard copy documents.

6 PRESIDING JUDGE STEINER: Madam Kneuer, would you like to make any
7 submission on the legal representatives' request?

8 MS KNEUER: Madam President, the Prosecution is obviously not in a position to
9 comment on the difficulties that the legal representatives are facing in their daily
10 work. On the other hand, the submissions of my learned colleagues appear to be
11 truthful, considering that the Prosecution would not have any objection that if the
12 Chamber contemplates to grant the request of the legal representatives that the legal
13 representatives are exceptionally being allowed to ask the questions even if they
14 missed the seven-days ' deadline. Thank you, Madam President.

15 PRESIDING JUDGE STEINER: Maître Liriss.

16 MR LIRISS: (Interpretation) To begin with, I do not see any objection. I should
17 only want to point out that Mr Zarambaud is not a legal representative for victims in
18 PK12 or, rather, it is Ms Douzima. Just for fraternal reasons related to our colleagues,
19 I think we have no problem with taking exceptional measures.

20 PRESIDING JUDGE STEINER: Thank you, Mr Liriss. So the Chamber takes into
21 account the difficulties expressed by Maître Douzima and reinforced by
22 Maître Zarambaud. There are no reasons for the Chamber not to rely on information
23 provided by the legal representatives.

24 More than that, the Chamber notices that although the notification of the designation
25 of legal representatives, common legal representatives, was notified on legal

1 representatives on 22 November, the Registry informed the Chamber that only on
2 23 November the decision was implemented by giving access of the redacted
3 applications of all victims allowed to participate to their respective legal
4 representatives so -- which means one week. And the Chamber is of the view that
5 since the legal representatives, they have access to their represented clients only on
6 the 23rd, this delay of seven days could still be considered on an exceptional basis as
7 unfeasible. And, for that reason, the Chamber will grant legal representatives the
8 right to question the witness after the questioning by the Prosecution, reminding the
9 legal representatives that they have to send to the Chamber in advance the list of
10 questions they intend to pose to the witness.

11 I ask further, Maître Douzima, that in doing so also justify your interest, or the
12 interest of your -- the victims you represent in questioning Witness 22.

13 I would like to remind that Witness 22 is a dual status witness, and the legal
14 representative of Witness 22 is Maître Zarambaud.

15 So now, before the witness is brought into court, the Chamber would like to remind
16 the parties and the participants that the witness has been granted in-court protective
17 measures and assistance by decision 1021 of 19 November 2010, including the use of
18 pseudonym, image and voice distortion, and partial private session testimony.

19 In this regard, it is incumbent on all the parties, whether Prosecution or Defence,
20 when questioning the witness, to ensure that their questions are asked in a way so as
21 not to elicit identifying information from this witness, or to minimise the risk of
22 identifying information being referred to by the witness.

23 In the event that the witness does mention something in open session, that may
24 publicly identify the witness or other witnesses for whom protective measures have
25 been granted, the court officer is to prepare immediately an order for redaction for

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1 the Presiding Judge to sign. This will prevent information concerned from being
2 broadcast outside the courtroom and the public gallery.

3 The Chamber would also like to remind the parties and participants that as decided
4 in our morning session, and in accordance with Rule 88(1) and (5) of the Rules of
5 Procedure and Evidence, additional protective measures were granted to this witness.

6 In this regard, when questioning the witness, all parties should ensure that the
7 witness is guided through the testimony by using short and simple open-ended
8 questions; that the questions are put in a non-confrontational, non-pressuring
9 manner.

10 In case the witness is questioned about sexual violence, the parties should be
11 reminded that they are deemed to formulate their questions in the least intimidating
12 and embarrassing manner possible and avoid unnecessarily intrusive questions.

13 Bear in mind that the witness is waiting, and unless there is anything that the parties
14 need to raise with the Chamber concerning the witness, I would ask that we briefly
15 go into closed session in order for the court officer to bring the witness into court.

16 Court officer, let's go into closed session for a while, please.

17 (Closed session at 2.51 p.m.) Reclassified as Open session

18 THE COURT OFFICER: We are in closed session, Madam President.

19 (The witness enters the courtroom)

20 PRESIDING JUDGE STEINER: Witness, good afternoon.

21 THE WITNESS: (Interpretation) Good afternoon also.

22 PRESIDING JUDGE STEINER: Thank you very much for coming in order to give
23 your testimony before this Court.

24 THE WITNESS: (Interpretation) Thank you.

25 PRESIDING JUDGE STEINER: Witness, as you have had explained to you during

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1 the familiarisation process, the Chamber has granted you protective measures to
2 protect your identity, including giving you a pseudonym in place of your real name.
3 You will, therefore, be referred to as Witness 22 throughout your testimony. I hope
4 you're fine with that.

5 THE WITNESS: (Interpretation) I do agree.

6 PRESIDING JUDGE STEINER: We shall go now into public session so that the
7 witness can take the oath. Court officer, please.

8 *(Open session at 2.56 p.m.) Reclassified as Open session

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

10 PRESIDING JUDGE STEINER: Thank you. The Chamber also would like to
11 welcome the person that is accompanying the witness in order to give her assistance,
12 if need be.

13 I would ask, please, the court officer to facilitate the witness taking the oath by
14 showing the witness the printed card and by reading the wordings of the oath to the
15 witness in order for the oath to be translated into a language the witness can
16 understand.

17 WITNESS: CAR-OTP-PPPP-0022 (Sworn)

18 (The witness speaks Sango)

19 THE INTERPRETER: From the Sango booth, the witness is going to speak in Sango
20 and take the undertaking.

21 PRESIDING JUDGE STEINER: May I ask on which channel we have the
22 interpretation?

23 THE INTERPRETER: From the English booth: Madam President, the Sango
24 interpreter informed us that the witness was going to read the solemn undertaking in
25 Sango, but there was no interpretation.

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1 PRESIDING JUDGE STEINER: Okay, let's try to follow here the proceedings.

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

3 THE WITNESS: (Interpretation) Yes, I have understood it.

4 PRESIDING JUDGE STEINER: Do you understand that you must give answers to
5 questions asked that for you are true and accurate to the best of your knowledge and
6 belief?

7 THE WITNESS: (Interpretation) I understand.

8 PRESIDING JUDGE STEINER: Thank you. Witness, I would like to ask if you
9 have been given the opportunity to read your statement, or to have read to you the
10 statement or statements, that you made to the Court?

11 THE WITNESS: (Interpretation) Yes, I've read it.

12 PRESIDING JUDGE STEINER: At the time when you made the statement, or
13 statements, did you do so voluntarily?

14 THE WITNESS: (Interpretation) I did it voluntarily.

15 PRESIDING JUDGE STEINER: You say you've read your statements. Is the
16 information that you have provided in your statements true and accurate to the best
17 of your knowledge and understanding?

18 THE WITNESS: (Interpretation) Yes, I can confirm that it is true.

19 PRESIDING JUDGE STEINER: Thank you very much, Witness. Now the Judges
20 are going to give the floor to Madam Prosecutor. She is going to start questioning
21 you. Is that fine with you?

22 THE WITNESS: (Interpretation) Yes, I agree.

23 PRESIDING JUDGE STEINER: Madam Kneuer. Madam Kneuer, we are in open
24 session, so don't forget please to inform the Chamber when we need to go to private
25 session.

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1 MS KNEUER: Yes, Madam President, I will.

2 QUESTIONED BY MS KNEUER:

3 Q. Good afternoon, Madam Witness.

4 A. Thank you.

5 Q. Madam Witness, although we met a few days ago, I would like to introduce
6 myself again. My name is Petra Kneuer and I will be leading the questioning on
7 behalf of the Prosecution. Thank you very much for your presence today.

8 A. I thank you.

9 Q. Before I proceed, I want to inform you that I will put questions to you in
10 English which will then be translated into Sango for you and the other way around.
11 We will both need to be -- need to speak slowly and into the microphone to allow the
12 interpreters to interpret into both languages, Sango and English. Can you hear me
13 clearly, Madam?

14 A. I can hear you very clearly.

15 Q. Madam Witness, I will be asking you questions about experiences which you
16 already have discussed with investigators of the Prosecution's office. During the
17 questioning, I will ask different types of questions. These may include when, why
18 and how you know questions. Please do not take offence if I'm asking these
19 questions. However, it is important for the Court to understand the basis of your
20 knowledge of the facts. Do you understand, Ma'am?

21 A. I've understood that very well.

22 Q. If there are any questions you wish to ask me, or if you wish clarifications of
23 questions I ask you, please let me know. If you don't know the answer to a question,
24 please state so. If you wish to have a break at any time of the questioning, please let
25 me know.

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1 Madam President, may we move now into private session so that I can ask the
2 witness for her identifying information, please?

3 PRESIDING JUDGE STEINER: Court officer, please, let's go into private session.

4 *(Private session at 3.09 p.m.) Reclassified as Open session

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

6 MS KNEUER:

7 Q. Madam Witness, we are now in private session. This means that whatever you
8 are saying now will only be heard in this courtroom. The public cannot hear what
9 you're saying. Do you understand that?

10 A. Yes, I do.

11 Q. Madam Witness, can you please state your full name for the Court?

12 A. Can I tell you my name now?

13 Q. Yes, Madam Witness, please tell me your name now. The public cannot hear
14 you.

15 A. My name is --

16 THE INTERPRETER: The Sango booth says that the witness's microphone is not
17 functioning correctly. The interpreter can no longer hear the witness.

18 MS KNEUER:

19 Q. Madam Witness, the interpreter couldn't hear you and so I will repeat my
20 question for you. Can you please state your full name for the Court?

21 A. My name is (Redacted).

22 Q. Madam Witness, what is your first name?

23 A. My first name is (Redacted).

24 Q. How old are you?

25 A. I was born on (Redacted), as stated, (Redacted).

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- 1 Q. Thank you, Madam Witness. Where were you born?
- 2 A. I was born in Bangui.
- 3 Q. (Redacted)
- 4 A. (Redacted)
- 5 Q. (Redacted)
- 6 A. (Redacted)
- 7 Q. (Redacted)
- 8 A. (Redacted)
- 9 Q. Thank you, Witness. Do you have children?
- 10 A. (Redacted)
- 11 Q. Can you please tell us when your (Redacted) was born?
- 12 A. (Redacted)
- 13 Q. Where was (Redacted) born?
- 14 A. (Redacted) was born in (Redacted).
- 15 PRESIDING JUDGE STEINER: Madam Prosecutor, sorry to interrupt. Could you
- 16 confirm the date of the birth of the (Redacted), because it's not the same date that we
- 17 have in the statement, please.
- 18 MS KNEUER: Thank you, Madam President. I will.
- 19 Q. Madam Witness, can you please again tell us when (Redacted) was born?
- 20 A. Well, during the events that took place in 2002, at that time (Redacted)
- 21 (Redacted)
- 22 Q. How old (Redacted)
- 23 A. I count from 2002 to 2010. If I do the calculations, (Redacted)
- 24 (Redacted)
- 25 Q. Madam Witness, do I understand you correctly that (Redacted)

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1 (Redacted)

2 A. Yes.

3 MS KNEUER: Madam President, is that satisfactory for you? Thank you, Madam
4 President.

5 Q. Madam Witness, what education did you receive?

6 A. I started going to primary school. I went from the CE class to CM2 to the
7 CEM2 class. I obtained my CMP. Then I went to secondary school, from the sixth
8 to the third form. I obtained my BEPC there. And then from the third form I went
9 to the (Redacted)

10 (Redacted)

11 Q. Thank you, Madam Witness. What is your current occupation, please?

12 A. I'm currently (Redacted).

13 Q. Madam Witness, my next question is where you live at this moment, but before
14 you answer with the leave of the Madam President I would like to give you some
15 advice. In your statement your precise residence is redacted, meaning that the
16 colleagues from the Defence do not have this information. So, when you're
17 responding to my question, please just refer to the town.

18 A. I live in PK12.

19 Q. Thank you. Where were you between October 2002 and March 2003?

20 A. I was living in PK12.

21 Q. At that time, in which house did you live? Please, do not refer to any precision
22 of the location, just the owner of the house, please.

23 A. The house belonged to my uncle.

24 Q. Were there any other persons staying in your uncle's house?

25 A. Yes. My uncle, the owner, lived there, as well as my little nephew. He was

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1 also present -- or, rather, they were also present.

2 THE INTERPRETER: "My little cousins," Interpreter's correction.

3 MS KNEUER:

4 Q. How many of your cousins were living there?

5 A. My uncle, the owner, was there and there were four of my little nephews.

6 Q. Was (Redacted) staying with you, as well?

7 A. Yes, (Redacted) also lived in the house.

8 Q. Were there any other children living in that house at that time?

9 A. Yes, there were other children, too. My uncles, my other uncles, had their
10 wives, as well as their children.

11 Q. Do you recall how many other children lived there?

12 A. I didn't count the number of children. There were a lot of them.

13 Q. And I kindly ask you to try to give us a range. Let's say, was it more or less
14 than five children?

15 A. There must have been more than five of them.

16 Q. Were there more or less than 10 children?

17 A. Well, I don't really know. There were children, but I don't think there were
18 more than 10 of them. In any event, there were children there.

19 Q. Thank you, Madam Witness. Do you recall how many women were living in
20 that house at that time?

21 A. Yes, I remember how many women there were. There were my uncles' women,
22 three of them. (Redacted) There were the (Redacted) of
23 us.

24 MS KNEUER: Thank you, Madam Witness. Madam President, I think we can
25 move on into open session.

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1 PRESIDING JUDGE STEINER: Court officer, please, let us go into open session.

2 *(Open session at 3.30 p.m.) Reclassified as Open session

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

4 MS KNEUER:

5 Q. Madam Witness, we are now in open session and I will continue asking you
6 questions.

7 PRESIDING JUDGE STEINER: Madam Kneuer, could you please explain to the
8 witness what "open session" means.

9 MS KNEUER: Madam President, I was about to do that.

10 PRESIDING JUDGE STEINER: I am sorry.

11 MS KNEUER: I just applied the five-second rule.

12 Q. Madam Witness, the Court granted you certain protective measures and the
13 objective of these protective measures are that your identity will not be revealed to
14 the public, so as of now whatever I will ask and whatever you will respond we both
15 need to be very careful that we are not referring to any information that could reveal
16 your identity. In case you wish to give an answer and you have a feeling that it
17 would lead to your identity, please let me know and I will request with Madam
18 President to go to a private session so that you can respond freely. I will not address
19 you with your name. I will use your code. Please, yourself, do not mention your
20 name as well. Also, I kindly ask you not to refer to any names of any other family
21 members, and also please do not reveal your residence. Do you understand this?

22 A. Yes, I have understood.

23 Q. If at any time you wish to have clarification, please let me know. My next
24 question is what is your nationality?

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

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1 Q. Madam Witness, what languages do you speak?

2 A. I speak Sango.

3 Q. Do you also write Sango?

4 A. Yes, I can write it.

5 Q. Do you speak any other language?

6 A. I only speak Sango and a tiny little bit of French.

7 Q. Do you also understand French?

8 A. Yes, I understand it.

9 Q. Madam Witness, I would like to take you back in time and, in particular,
10 I would like to speak about October 2002 until March 2003, that time period. I will
11 ask you some questions about events which may have taken place during that period.
12 Can you please describe to the Court how the situation was in Bangui from
13 October 2002 onwards?

14 A. What I can tell the Court is what I saw and what I heard. That is what I can
15 say today. What I started to see and hear a long time ago was on the
16 26th -- 26 October. It was a Friday and I was in the habit of going to prayer that day,
17 every Friday, so I was getting ready to go to prayer at around 1 in the afternoon.
18 We were getting ready, and I heard some shouts of people who were fleeing and
19 those people came towards our house. They came to our house and we were leaving
20 and going on to the road. We asked them, "Why are you running away?", and they
21 said to us, "Bozizé's men have come."

22 On the road, as we went along, at the PK12 checkpoint they had blocked off the two
23 ways, the two paths; that is to say, the two roads, one for Boali and the other towards
24 Damara. They started to shoot into the air and, given that situation, we fell back and
25 went home.

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1 Q. Thank you. You mentioned 26 October. Which year was that?

2 A. Of 2002.

3 Q. Can you explain what you mean by "PK12 checkpoint," please?

4 A. As I said, the PK12 checkpoint is a post where soldiers are stationed at the
5 barrier itself, so that is why I call it the barrier, or the checkpoint, of PK12. There are
6 soldiers, the police officers of PK12, and at the spot itself we also have the GP. They
7 are stationed there too. There were many people: The officers for the forestry and
8 water service; the customs officers. There were several people who did various jobs
9 at that place.

10 Q. Thank you, Madam Witness. You stated, and I quote from the transcript, it's
11 line 5 onwards, "They started to shoot into the air," et cetera. Can you please explain
12 who "they" are? What do you mean by the term "they"?

13 A. When I say them I mean Bozizé's troops, who entered the town of Bangui, and
14 they were the ones who were shooting into the air.

15 Q. Can you explain to the Court how you remember that this day was
16 26 October 2002?

17 A. Perhaps I forgot the date - it's been a while - but it is one thing that I lived
18 through and I think that it is a day -- a day of prayer. Usually the day of prayer is
19 Friday and it's at 1 in the afternoon. At that time, we were getting ready to go for
20 prayers and that was the time when they came in. The date I may be mistaken,
21 because it was a long time ago.

22 Q. Thank you, Madam Witness, for that explanation. You also mentioned that
23 people were fleeing. To where did they flee?

24 A. As I said, the officers of the tax authorities, the customs officers, the people
25 working for the water and the forestry administrations, they fled and they left their

1 positions and they went into the neighbourhood.

2 Q. Can you specify into which neighbourhood they went?

3 A. Well, regarding the neighbourhoods, I don't know because they went here and
4 there. Some went towards our place; others went in other directions.

5 Q. How do you know that these people who were shooting were Bozizé rebels?

6 A. As we were getting ready to go for prayers, and when they came in they started
7 to shoot, and the people who were fleeing, who were heading in our direction, we
8 asked them, and they said to us that Bozizé's troops had entered and that they were
9 shooting. And we tried, we continued, and I saw with my own eyes Bozizé's men
10 cross the PK12 checkpoint and keep on going. Doing that, they continued to shoot
11 into the air.

12 Q. Can you please explain to the Court how you were able to identify the Bozizé's
13 rebels?

14 A. When they came in and as they were shooting, I saw them go and they had
15 armbands that were yellow in colour. Others were red. They did not have any hats,
16 but they had turbans, somewhat like the Muslims. So that is how I saw them.

17 Q. When the Bozizé rebels arrived, what did they do?

18 A. When they came, they did nothing to the people. They just shot their weapons
19 into the air so that people would free up the road - so that people would free up the
20 road - and they came in by way of the PK12 checkpoint. Others took the road of
21 Boy-Rabé; and others took the road of Fou; others took the road of the 8th
22 arrondissement; and others from Kilometre 5; and others the road from the centre of
23 town. They took these various roads, shooting into the air, but they did nothing to
24 the population.

25 Q. Do you know where the Bozizé rebels stayed?

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1 A. I don't know. When they went by PK12, they took other roads, but I don't
2 know what happened when they went past us.

3 Q. Witness, I'm not sure if I expressed myself clearly, so I will rephrase my
4 question. After the Bozizé rebels arrived and passed the PK12 checkpoint, do you
5 know where they stayed in that area?

6 A. (No interpretation).

7 MS KNEUER: Madam President, I'm missing the interpretation.

8 THE INTERPRETER: Message from the English booth: There was no
9 interpretation from the Sango booth. Perhaps the counsel could repeat her question.

10 MS KNEUER:

11 Q. Madam Witness, we have a slight problem with the interpretation - it's not your
12 problem at all - so I will ask my question again, and I kindly ask you to repeat your
13 answer.

14 After the Bozizé rebels arrived, having passed the PK12 checkpoint, do you know
15 where they stayed in that area?

16 A. I said that I didn't know. When they went past PK12, I don't know where they
17 went, but I just heard that they took the road to Boy-Rabé, the road of Kilometre 5,
18 the road of the 8th arrondissement and the road of Fou, but I don't know where they
19 based themselves in that place.

20 Q. Madam Witness, did the Bozizé rebels stay at all at PK12?

21 A. Bozizé's rebels entered -- who had entered, some of them were at PK12, at the
22 PK12 gendarmerie and also at the PK12 checkpoint. That is where they were. They
23 were to be found at those two places.

24 Q. Madam Witness, I would now like to direct your attention to what happened to
25 you and to your family during that time. This may be difficult for you. If you need

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1 a break at any time or you feel uncomfortable, please let me know. Also, I would
2 like to remind you that we are in open session and invite you, like me, to try to be as
3 cautious as possible not to reveal any information that may identify you or your
4 family.

5 Can you tell the Court what you experienced in October/November 2002?

6 A. Yes, I can explain that. You want me to talk about what happened to us at our
7 house, at home? During those events when Bozizé's rebels came, and after I heard it
8 said that they had been pushed -- driven back, driven away, and they left and went
9 back to the place where they came from. They were not able to take control of the
10 town. And Patassé had sent the Banyamulengue. He asked them to come. They
11 occupied some neighbourhoods and they were going towards was Bas-ville (phon),
12 Fou, Boira, up until P12. When they were at PK12, at the checkpoint in the entire
13 neighbourhood, we heard about them. We did not go out of our house. All the
14 women who were at our home, we did not go out. If we needed something to eat,
15 the men were the ones who would go out to find something for us to eat. So, the
16 men were the ones who would tell us about what was going on outside. They told
17 us the Banyamulengue had come and that they had occupied the entire
18 neighbourhood of PK12: The hospital, the market and all the surrounding areas.
19 And then later we heard that they were there and they were carrying out atrocities,
20 bad things. They were raping people. They were doing whatever they wanted to
21 do. We just heard that said. I didn't see that, I just heard that from the men who
22 were at our home, in our house.

23 During that time we stayed inside our house, shut up in our house, and then one day,
24 about 4 or 5 in the morning, it was raining very hard that day and we were still in bed
25 at home. And so they came, they came, and they came into our house. When they

1 came, we were still sleeping. It was raining hard. There were two doors for the
2 house, one behind -- behind, we heard the door being broken down and we heard
3 them open the door. There was a corridor in our house, and we heard their
4 footsteps in the house. When I heard the sounds, I wanted to get up, and I crossed
5 them. And I wanted to open the door. I saw -- I saw them, and they were already
6 inside the house.

7 When I wanted to open the door of my bedroom, when -- when I saw them, when I
8 ran into them at the door to my bedroom, several of them came into the bedroom and
9 others went out and six stayed inside the bedroom. One said to me, he said to me,
10 "Yaka," which means "Give me money," and I said I didn't have any. And then they
11 asked me to lie down on my bed and I said, "I beg your pardon?" I didn't want to.
12 I had a small pair of shorts, a jacket and I had a wrap around me. He pointed his
13 weapon at me. He threw me on the bed and pointed the weapon at my neck. He
14 pulled out a small knife, tore off my shorts and my underwear and threw it away,
15 then he forcibly spread my legs and then he slept with me.

16 While he was sleeping with me, the others were also in the room. Some of them
17 were searching the cupboards. They were taking the clothes and everything else in
18 the room. When the one who had been sleeping with me finished, he stood up and
19 left. Another replaced him and slept with me. After him, there was another one
20 who slept with me. So out of the six of them who had entered my room, three of
21 them slept with me.

22 The others had searched the entire house. They entered the rooms in which my
23 uncle's wives and (Redacted) were. They brought them out and put them in the
24 sitting room. So after sleeping with me they took me out to join the others who were
25 in the sitting room, and in front of me in the sitting room one of them asked one of

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1 my uncle's wives to undress so that he could sleep with her. My uncle's wife
2 undressed herself, but since she had a skin condition all over her body - that is
3 scabies - they felt that she was dirty and so they didn't want to sleep with her.
4 One of my uncle's wives was pregnant, almost at the end of her pregnancy, and they
5 did not do anything with her. This means that, out of all the people that were in the
6 house, I was the only one with whom they slept.
7 When they had come into the house, they entered my uncle's room and my uncle was
8 the owner of the house. He was ill. They asked him to give him money -- to give
9 them money and he said he did not have any money and that he was bedridden, and
10 they asked him, "How can somebody who does not have money live in such a
11 house?" They asked him for money once again. He said he didn't have any.
12 Then they asked him, "What are you suffering from to be bedridden?", and he told
13 them that he was paralysed and they asked him, "What type of disease is this
14 paralysis?" One of them said that my uncle was lying, that he had money under the
15 bed, so they took him from the bed and threw him on the floor. They took out the
16 bed, destroyed it and destroyed everything with the barrels of their guns. So they
17 did not find any money, so they kicked him while he was lying on the floor and then
18 they abandoned him there and left to the sitting room.
19 And since they had not been given any money, they took one of my uncles and took
20 him outside, but before doing that they told us that Patassé had instructed them to
21 ensure that they should start killing all children aged 10 and more and that everyone
22 who had a fence around their house was someone who was harbouring rebels. So
23 he said that if, they did not kill those people, then we had to give them money. We
24 said that, "We do not have any money," so they took one of my uncles outside.
25 In the meantime, when they had come into the house there were many of them. We

1 had ducks, owls, goats and many domestic animals. They broke down the door in
2 which the domestic animals were kept and they took everything from the big house.
3 We had a room in which we kept food for storage. They took out all the food after
4 breaking down the door. In my elder uncle's room, they took clothes and took
5 everything that they liked from the room.

6 After that they took one of my uncles outside and said that, since we did not want to
7 give them money, they were going to kill him, so they took him outside and pointed
8 the gun at him. He was stood up against the wall of the house and said that they
9 were going to kill him but, since they were pointing the gun at him, there were dogs
10 that were barking and barking and barking. When they realised that my uncle was
11 going to be killed the dogs were barking and barking, so when they heard that noise
12 they shot one of the dogs dead. So they let my uncle go, but they took the dog and
13 shot it dead.

14 Q. Thank you, Madam Witness. You provided quite a number of information to
15 the Court and what I would like to do is to go step-by-step through this information.
16 At the beginning of your answer, you mentioned the term "Banyamulengue". Can
17 you explain, please, what you understand by this term?

18 A. In order to explain the word "Banyamulengue," I would say that first of all we
19 did not know them. We had heard of them. We had heard of the Banyamulengue.
20 They were not in our country. They were on the other side of the river. We heard
21 about them. We heard that it was Bemba who had trained them and that they were
22 his rebels. We watched over television how they had been fighting against Mobutu
23 and with Kabila. We did not know them before. We simply saw them on the
24 television. We had never come face-to-face with them, so the first time was when
25 they came into our country. When they arrived, it was being said that Patassé had

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1 asked Bemba to send him reinforcements by sending troops to fight alongside his
2 own.

3 Q. Madam Witness, you mentioned several times "We heard this and that," or, "It
4 was being said." Can you explain what you mean by that? How did you hear
5 about this information?

6 A. Which information are you referring to? I didn't quite understand. Can you
7 please explain?

8 Q. Sure, Madam Witness. When you explained the term "Banyamulengue," you
9 mentioned several times that, "We heard ..." -- and I quote, that, "We heard of the
10 Banyamulengue," or another quotation, "When they arrived, it was being said that
11 Patassé had asked Bemba to send him reinforcements by sending troops to fight
12 alongside his own." Can you please explain from whom you heard this?

13 A. Given that this happened when things had calmed down, people would come
14 to visit us. We also would leave our house and go to the roadside. We would meet
15 people sitting by the roadside and we discussed with them. These people gave us
16 information about the events, so we received several pieces of information relating to
17 those events.

18 Q. Madam Witness, why do you think the Banyamulengue came to your house?

19 A. All that is information that I received after the events. We were told that that
20 house had been pointed out to them, and they came there and perpetrated all those
21 atrocities.

22 Q. Do you know why that house has been pointed out to the Banyamulengue?

23 A. I did not know. This is because during the period they were there, my uncles
24 had seen them and they talked about them with us, but they were in the market area
25 and further away, but they were not really in our own area. This is how things

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1 happened.

2 Q. When the Banyamulengue came to your house, where were the Bozizé rebels?

3 A. When the Banyamulengues arrived, I did not see them. However, I heard that
4 Bozizé's rebels had retreated. This means that they had once again returned to the
5 bush and had freed up the area, and that is how come the Banyamulengues arrived.

6 MS KNEUER: Madam President, I would like to show to the witness a sketch that
7 she drew during her statement that was taken by investigators of the OTP. I'm
8 referring to CAR-OTP-0007-0529-R-03, which means that it's redacted and cannot be
9 displayed for the public. And the EVD number is EVD-T-OTP-00126.

10 PRESIDING JUDGE STEINER: Court officer, the document can be displayed inside
11 the courtroom.

12 THE COURT OFFICER: The document has been displayed on your screens, and just
13 for the record, this document is CAR-OTP-0007-0529-R-02, if I'm not mistaken.

14 MS KNEUER: That is correct. I misspoke. The reason why we need to keep this
15 confidential is because the name of the witness is shown.

16 Q. Madam Witness, are you able to see the sketch on the screen of the computer?

17 A. Yes, I can see it.

18 Q. Do you recognise this drawing?

19 A. Yes, I do remember it.

20 Q. Who drew this sketch?

21 A. I'm the one who drew it.

22 Q. Madam Witness, can you please explain to the Court what this sketch shows?

23 A. That is the sketch of the house in which we lived.

24 Q. Can you please indicate where the Banyamulengue entered the house?

25 A. As you can see on that sketch, they entered through the two back doors. That

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1 is how they came in.

2 MS KNEUER: Madam President, I'm not entirely familiar with the technical
3 opportunities or options we have. Is there the option available that the witness can
4 point with a pointer in some way?

5 PRESIDING JUDGE STEINER: Madam Kneuer, yes, we have. We did it with the
6 previous witness. What we have now is a problem with timing. Maybe, if it's not
7 causing any prejudice to the line of questioning, we should leave it for tomorrow's
8 session. It's just a suggestion.

9 MS KNEUER: That's fine with the Prosecution. Thank you, Madam President.

10 PRESIDING JUDGE STEINER: Madam Kneuer, I'm still informed that we have ten
11 minutes. Would that be sufficient at least to go through this document?

12 MS KNEUER: I believe so, Madam President.

13 PRESIDING JUDGE STEINER: So please, could court officer help. The document
14 has to put in the side equipment in order to be manipulated.

15 THE COURT OFFICER: If I may, just for the information of the parties, the sketch
16 will be available for the witness in the Smart Board and she can make any marks that
17 will be required.

18 MS KNEUER:

19 Q. Witness, can you please mark on this sketch where the Banyamulengue came in,
20 please?

21 A. Yes, I can mark it. It is that door, and this door, also. That is where they
22 came in.

23 Q. Madam Witness, just to facilitate the best understanding, perhaps you can circle
24 the doors with a red pen through which the Banyamulengue entered the house.

25 Where were you at that time? Can you indicate this on the sketch, please?

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1 A. This is my room.

2 Q. Can you perhaps, again, make a circle around the room, please.

3 THE INTERPRETER: From the interpreters: Apparently, the Prosecutor's
4 microphone was not on.

5 MS KNEUER:

6 Q. Can you please circle the room in which you were when the Banyamulengue
7 entered the house?

8 A. Yes, I can do that.

9 Q. Where were the other family members in that house when the Banyamulengue
10 entered? And perhaps you can, again, circle -- make a circle around the rooms,
11 please.

12 A. They were all in their bedrooms. There were a number of bedrooms. These
13 are the bedrooms, all the bedrooms.

14 PRESIDING JUDGE STEINER: Madam Kneuer, I think we have to finish.

15 MS KNEUER: Madam President, I thought I could manage in ten minutes to finish
16 with this sketch. Obviously, I failed. So I would like to continue with the sketch
17 tomorrow; however, I would like to already now ask for an EVD number, please.

18 PRESIDING JUDGE STEINER: Since the document has been modified, could, please,
19 the court officer give a new EVD-T number for the document.

20 THE COURT OFFICER: Yes, Madam President. The document will bear reference
21 EVD-T-OTP-00599 and will be classified as confidential.

22 PRESIDING JUDGE STEINER: Thank you very much.

23 Madam Witness, we need to stop now because our interpreters, they need to have
24 some rest as well as you probably need. So we thank you very much for being here
25 today. We wish you a very calm and restful night, and we'll be here tomorrow to

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1 continue with your questioning by the Prosecution in the afternoon. So thank you
2 very much on behalf of the Court.

3 So I will ask please, court officer, to lower the blinds in order for the witness to be
4 taken out of the courtroom.

5 (Closed session at 4.34 p.m.) Reclassified as Open session

6 THE COURT OFFICER: We are in closed session, Madam President.

7 (The witness stands down)

8 THE COURT OFFICER: All rise.

9 PRESIDING JUDGE STEINER: Just to inform that we'll resume tomorrow at 2.30 in
10 the afternoon. This hearing is adjourned.

11 (The hearing ends in closed session at 4.36 p.m.) Reclassified as Open session

12 RECLASSIFICATION REPORT

13 Pursuant to Trial Chamber III 's Second Order, ICC-01/05-01/08-2223, dated 4 June
14 2012, and the instructions in the email dated 24 September 2013, the version of the
15 transcript with its redactions becomes Public.

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