

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0022

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 Wednesday, 1 December 2010
9 (The hearing starts in open session at 2.35 p.m.)
10 THE COURT USHER: All rise. The International Criminal Court is now in session.
11 Please be seated.
12 THE COURT OFFICER: Good afternoon, your Honours, Madam President. We are
13 in open session.
14 PRESIDING JUDGE STEINER: Good afternoon. Could, please, the court officer
15 call the case.
16 THE COURT OFFICER: Yes, Madam President. Situation in the Central African
17 Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, case
18 reference ICC-01/05-01/08.
19 PRESIDING JUDGE STEINER: Thank you. So I would like to welcome
20 Prosecution's team, legal representatives of victims, representatives of OPCV and
21 VWU, the legal representative -- counsel for the Defence and, of course,
22 Mr Jean-Pierre Bemba Gombo.
23 So, following yesterday's hearing, the Chamber will continue to listen to the evidence
24 of Witness 22, who is still being questioned by the Prosecution, and without further
25 delay I would ask, please, the court officer to lower the blinds in order for the witness

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1 to be brought into the courtroom.

2 *(Closed session at 2.39 p.m.) Reclassified as Open session

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

4 PRESIDING JUDGE STEINER: Could, please, the court officer bring the witness in.

5 (The witness enters the courtroom)

6 PRESIDING JUDGE STEINER: Court officer, could we go back to open session,

7 please.

8 (Open session at 2.41 p.m.)

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

10 WITNESS: CAR-OTP-PPPP-0022 (On former oath)

11 (The witness speaks Sango)

12 PRESIDING JUDGE STEINER: Thank you very much. Madam Witness, good

13 afternoon.

14 THE WITNESS: (Interpretation) Thank you very much. Good afternoon, Ma'am.

15 PRESIDING JUDGE STEINER: Did you have a comfortable and restful night?

16 THE WITNESS: (Interpretation) Yes, I slept well.

17 PRESIDING JUDGE STEINER: That's good. So, before we resume your testimony,

18 the Chamber would like to reassure you that if you need a moment during your

19 questioning, if you need a break or if you need anything, you just inform the

20 Chamber. Is that fine with you?

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

22 PRESIDING JUDGE STEINER: And one more thing, Witness. The Chamber would

23 like to remind you that you are still under oath. Do you understand that?

24 THE WITNESS: (Interpretation) Yes, I certainly have understood that.

25 PRESIDING JUDGE STEINER: Thank you very much. So I am now giving the

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1 floor to Madam Kneuer for continuing the Prosecution's questioning.

2 QUESTIONED BY MS KNEUER: (Continuing)

3 Q. Good morning, Madam Witness.

4 A. Good afternoon, Madam Prosecutor.

5 Q. I am glad to hear that you rested well. Today I would like to ask you first
6 some questions to clarify information that you provided yesterday and afterwards we
7 will continue with the sketch with which we concluded yesterday. Is that fine with
8 you?

9 A. Yes, I agree.

10 MS KNEUER: Madam President, I have one question which I need to ask in private
11 session, please.

12 PRESIDING JUDGE STEINER: Court officer, please, private session.

13 *(Private session at 2.45 p.m.) Reclassified as Open session

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

15 MS KNEUER:

16 Q. Madam Witness, yesterday we spoke about (Redacted) and I would like to
17 clarify (Redacted) date of birth. When was (Redacted) in relation to the events in
18 October/November 2002 we were talking about?

19 A. (Redacted) was born – (Redacted) wasn't born during the events. I said during
20 those events in 2002 (Redacted) was already (Redacted). So that is what I said.

21 Q. Thank you, Madam Witness. (Redacted)

22 A. (Redacted)

23 Q. (Redacted)

24 A. (Redacted)

25 Q. When was that?

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1 A. (Redacted)

2 (Redacted)

3 MS KNEUER: Thank you, Madam Witness. We will come back to that at a later
4 stage. Madam President, we can move to open session, please.

5 PRESIDING JUDGE STEINER: Court officer, please, open session.

6 (Open session at 2.49 p.m.)

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

8 MS KNEUER:

9 Q. Madam Witness, yesterday you stated that Bozizé rebels arrived at PK12 on
10 26 October 2002 on a Friday, and for the record the reference is the English unedited
11 version page 17, line 23 until page 18, line 7. You further stated - and I quote from
12 page 20, line 12 of the same unedited English version - quotation, "When they came,
13 they did nothing to the people," quotation finished. Madam Witness, did the rebels
14 of Bozizé commit crimes against civilians?

15 A. When Bozizé's rebels came in, they did not assault the civilian population.
16 They were not aggressive at all. As soon as they came, they fired some warning
17 shots and they said to the people to withdraw from the town, but they did not assault
18 the civilians.

19 Q. Thank you, Madam Witness. For how long did the Bozizé rebels stay at PK12?

20 A. I don't remember the exact date, but they stayed two or three days before they
21 withdrew, but I don't remember the exact date.

22 Q. When did the Banyamulengue arrive at PK12?

23 THE INTERPRETER: The French interpreter did not hear the question. Could the
24 Prosecution repeat the question, please.

25 MS KNEUER:

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1 Q. Madam Witness, we have a problem with the interpretation, so I will repeat my
2 question. When did the Banyamulengue arrive at PK12?

3 A. The day they arrived at PK12, I don't remember. I don't have that in mind.
4 When my uncles went out to go to the market, they saw them and they came back
5 and told us about them. They said to us that the Banyamulengue were at PK12, but
6 the day they arrived I don't remember.

7 Q. Can you bring the arrival of the Banyamulengue in relation to the departure of
8 the Bozizé rebels?

9 A. I didn't go out of the house. I stayed at home, so I have no idea.

10 Q. How do you know that the Bozizé rebels left PK12?

11 A. Bozizé's rebels withdrew, as I told you. My uncles, since they are men, they
12 went out to the side of the road and they were the ones who got information and
13 brought it back. They went out to the side of the road. When they went to the
14 market, on the way -- when they came back, they told us that Bozizé's rebels had
15 already withdrawn, had fallen back, and I learned that information from my uncles.

16 Q. Do you know if any Bozizé rebels stayed behind?

17 A. I don't know.

18 Q. How do you know that Bozizé rebels didn't assault the civilians in PK12?

19 A. As I said, I don't know how many days they spent at PK12, but after they
20 withdrew we learned nothing - nothing bad - about them. That is why -- that is why
21 I understood that Bozizé's men did no harm to people.

22 MS KNEUER: Madam President, I would like to show the sketch again to the
23 witness, and the EVD number is EVD-T-OTP-00599 and is confidential, so I suggest
24 that we only show it inside the courtroom, please.

25 PRESIDING JUDGE STEINER: Court officer, please.

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1 THE COURT OFFICER: Yes, Madam President, we are looking for the document.

2 The document is available on your screens if you push on the button "PC1".

3 PRESIDING JUDGE STEINER: Madam Kneuer, are you going to ask the witness to
4 make any marks, because then we need to ask her to swap places?

5 MS KNEUER: Yes, that's what I plan to do.

6 THE COURT OFFICER: If I may, counsel, we have the possibility to use another
7 colour. I would like to know if you want us to set up with the use of a different
8 colour.

9 MS KNEUER: For the time being the red colour is fine for the Prosecution, thank
10 you.

11 Q. Madam Witness, yesterday you explained that Banyamulengue came to your
12 house, and I'm referring to transcript page 23, line 8. Can you please mark in the
13 sketch the two doors with "D1" and "D2" for door 1 and door 2. I'm not sure if you
14 understood what I meant. Can you please show again the two doors through which
15 the Banyamulengue entered into the house, and then mark each door with a "D1," and
16 the other door with a "D2," please.

17 A. I have just done that.

18 Q. Thank you, Madam Witness. How many Banyamulengue entered your house?

19 A. There were many of them. It was not possible for me to count them. There
20 were very many of them.

21 Q. Can you give us an estimate?

22 A. I cannot give you a precise number. All I know is that there were very many of
23 them.

24 Q. Were there more or less than ten people?

25 A. There were more than ten of them.

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1 Q. Were there more or less than 20 persons?

2 A. There were even more than 20 of them. There were very many of them.

3 Q. How did you know that the people who entered your house were
4 Banyamulengue?

5 A. I knew that because after they came into the house, I was listening to them
6 while they were walking along the corridor. I listened to the noises. When I came
7 across them at the door, to begin with, they said, "Yaka," and then someone said to me
8 in French, "Give me money." That is when I understood that they were the ones.

9 Q. Do you know which language is used to say "yaka," which language it is?

10 A. I know that "yaka" is Lingala. I know that because I has -- I have a brother
11 whose mother is on the other side of the river. From time to time during the
12 holidays they visit us, and we used to speak a lot amongst ourselves. We teased him.
13 We asked him how they would say, "Good morning" or how they could call
14 something. So when I listened to these people, I remembered how my brother used
15 to teach us and that is how come I understood that they were the ones.

16 Q. What do you mean by "on the other side of the river"?

17 A. When I say, "the other side of the river," since there is a river separating us from
18 them, the other ones on the other side of the river, that is Zongo, they are always
19 referred to as "Those across the river." That is why I usually refer to them as "Those
20 on the other side of the river."

21 Q. Thank you, Madam Witness. Do you know what "yaka" means?

22 A. When he says, "Yaka," it means that he is asking you to give them money.

23 Q. Yesterday you marked the bedroom of yourself. Can you please mark it today
24 with a "W22," please.

25 A. Yes, I can do that.

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1 Q. When the Banyamulengue entered the house, were you alone in your bedroom?

2 A. Yes, I was there only with my child.

3 Q. Was there any other children with you in that bedroom?

4 A. In the room in which I slept I was there with my child, and at the time that the
5 Banyamulengues came in, my uncle's children took refuge in my room. There were
6 two of them.

7 Q. Yesterday you marked for us four more rooms where your family members
8 were at the time when the Banyamulengue came into the house. Can you please
9 explain who of your family members was in which room, room after room, please.

10 A. My room is located here and opposite my room is my sister's room. She's my
11 elder sister. Next to her room you have the room of one of my uncles, and next to
12 me there is also one of my uncles.

13 Q. Can you mark the room of your sister with "R1," please. Thank you, Madam
14 Witness. Then you mentioned the room of your uncle. Can you mark that room,
15 please, with "R2." Thank you, Madam Witness. Can you mark the next room as
16 "R3" and explain who was in that room, please.

17 A. As I have said, in the other rooms there was my elder sister, and then you had
18 my uncles, their wives and their children who occupied the other rooms.

19 Q. In the room that you just marked as "R3," who was in that room?

20 A. It was one of my uncles who lived in that room.

21 Q. There are two rooms left, which I kindly ask you to mark as "R4" and "R5" and
22 then explain who were in these rooms.

23 A. "R5" is the room that had been turned into a library. That is where my uncle
24 kept his documents. Room "R4" was used to store food items.

25 Q. Yesterday you also mentioned a sitting room. Can you please circle that room

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1 and mark it as with an "S," please. Thank you, Madam Witness. Is there anything
2 else you would like to tell us with regards to this sketch?

3 A. No, I have nothing to say.

4 MS KNEUER: Thank you, Madam Witness. Madam President, I have exhausted
5 the sketch and I don't need it anymore at this point in time.

6 PRESIDING JUDGE STEINER: Since the sketch has been modified again, I think it
7 should be attributed a new EVD-T number. So, please, court officer.

8 THE COURT OFFICER: The document that was modified and that is shown in your
9 screens will bear reference EVD-T-OTP-00600 and will be marked as confidential.

10 MS KNEUER:

11 Q. Madam Witness, what I'm planning to do now is to go step-by-step through the
12 story that you told us yesterday. At the beginning of your story, you mentioned that
13 the Banyamulengue came into the house about 4 or 5 in the morning. Do you have
14 any recollection what date or month it was?

15 A. No, I do not remember.

16 Q. Were the Bozizé rebels still around in PK12 at the time that the Banyamulengue
17 entered your house?

18 A. No, they had already withdrawn before the arrival of the Banyamulengues.

19 Q. The day the Banyamulengue entered your house, was it the same day that the
20 Banyamulengue came to PK12?

21 A. No, it was not the same day. They arrived, and we heard about 8. They took
22 up positions in certain neighbourhoods. I do not know how long after that they
23 came to our home, but they did not come to our house the same day. They set up
24 positions in some neighbourhoods and perpetrated atrocities there before coming to
25 our house.

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1 Q. Can you try to give an estimate? Was it more or less than a week?

2 A. I can say that it was approximately one week. They set up in certain
3 neighbourhoods before they came to our house.

4 Q. Madam Witness, when the Banyamulengue entered your bedroom, what
5 happened to the children that were with you in your room?

6 A. When they came in, some of them took the children out into the living room and
7 the others who stayed back in the room did what they did with me.

8 Q. How do you know that the Banyamulengue brought the children into the living
9 room?

10 A. I told him I did not have money. The children started crying, and they took
11 my child and the children of my uncles and took them out into the living room.

12 Q. Did you see with your own eyes that the men took the children into the living
13 room?

14 A. The others who were with me in the room finished with me in the room, and
15 they took me out to the sitting room and there I saw all the members of the family.
16 Everybody was in the sitting room, so I saw the children there and they were all safe.

17 Q. Madam Witness, yesterday you mentioned that three Banyamulengue slept
18 with you. Are you ready to tell the Court more details about this event?

19 A. Yes, I will talk about it.

20 PRESIDING JUDGE STEINER: Just one second. One second, please, Madam
21 Witness. Maître Liriss has the floor.

22 MR LIRISS: (Interpretation) Your Honour, this question is a terrible question. It
23 is not something that is in dispute. If you will allow it, the Defence doesn't believe it
24 is necessary to go over this area as there is nothing in dispute. It would just be a
25 matter of going over the same issue. I don't see why it would be necessary to discuss

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1 this matter, but it is up to you to decide. Thank you.

2 PRESIDING JUDGE STEINER: (Overlapping speakers) What overlapping
3 speakers? I didn't understand the message I received.

4 THE INTERPRETER: Madam President, from the interpreters, the problem arises
5 because the Presiding Judge starts speaking before the interpretation is finished.
6 That is why the beginning of a sentence is always lost in the transcripts. Thank you.

7 PRESIDING JUDGE STEINER: Madam Kneuer, would you like to answer to the
8 suggestion made by Maître Liriss, please?

9 MS KNEUER: Madam President, as you know best, the Prosecution has the burden
10 to prove beyond reasonable doubt that crimes occurred, and in that instance we are
11 talking about rape. I'm afraid that the information, or the evidence that the witness
12 provided yesterday would not yet entirely meet all the elements necessary.
13 However, the Prosecution is most grateful of the suggestion of the Defence to not let
14 the witness experience this event again. The Prosecution would make this
15 concession if the Defence would accept that the rape, as described by the witness in
16 her written statement and as mentioned yesterday during her oral testimony, would
17 be accepted as an agreed fact.

18 PRESIDING JUDGE STEINER: Maître Liriss?

19 MR LIRISS: (Interpretation) Your Honour, the statement that has been -- or the
20 testimony given before the Prosecution is said to be true, let's say the description of
21 the events, and what the witness said yesterday, given what the transcript says, there
22 is nothing that we contest, at least not the description of these events, the existence of
23 events. What could be a matter of discussion is perhaps the perpetrators, but as for
24 the events, as for what was described with regard to the events, there is nothing for us
25 to discuss. We are in agreement.

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1 PRESIDING JUDGE STEINER: Madam Kneuer, if I well understood, an agreed fact
2 would be the existence of the multiple rapes; is that correct?

3 MR LIRISS: (Interpretation) The fact that three, four or five individuals committed
4 abominable sexual acts that concern this person, this witness, this is what we agree
5 with. This is what we admit.

6 PRESIDING JUDGE STEINER: Madam Kneuer, so could we take these as agreed
7 facts and then you could go forward in your line of questioning?

8 MS KNEUER: Madam President, we accept the suggestion by the Prosecution that
9 the rape be accepted as an agreed fact, and we will continue our line of questioning
10 regarding the identification of the perpetrators.

11 PRESIDING JUDGE STEINER: So you can proceed.

12 MS KNEUER: If I just may ask for a moment to reorganise my line of questioning,
13 please?

14 Madam President, I have to ask for a clarification with my learned colleagues from
15 the Defence. The witness also stated in her written statement that the perpetrators
16 did not use a condom and that they ejaculated in her. From the Prosecution's
17 perspective, these are the circumstances of the entire rape and I just want to clarify
18 that this is also part of the agreed fact agreement that we just agreed upon.

19 PRESIDING JUDGE STEINER: Maître Liriss.

20 MR LIRISS: (Interpretation) Madam, your Honour, I don't know about that. I
21 wouldn't go into that. All I wanted to say is that, to be humane, it isn't necessary to
22 have the witness re-experience something that's not in dispute. Everything else is a
23 matter of details. If the Prosecution wants to go back over these details, the
24 Prosecution may do so.

25 PRESIDING JUDGE STEINER: So, therefore, I understand that the Prosecution will

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1 have to put such questions if the Prosecution deems it necessary.

2 MS KNEUER: Thank you, Madam President, for the clarification.

3 Q. Madam Witness, you stated yesterday that six Banyamulengue entered your
4 bedroom, out of which three slept with you; is that correct?

5 A. Yes, that's correct.

6 Q. Counsel from the Defence and I agreed that you do not have to repeat what
7 happened to you when the men slept with you and raped you. However, I have to
8 ask you some circumstantial questions. With regard to the first man, did he use a
9 condom?

10 A. He didn't use anything.

11 Q. Did the man ejaculate in you?

12 A. Yes, he ejaculated into me.

13 Q. The second man that raped you, did he use a condom?

14 A. He didn't use a condom either.

15 Q. Did he ejaculate in you?

16 A. Yes, he did too.

17 Q. The third Banyamulengue who raped you, did he use a condom?

18 A. He didn't use a condom either.

19 Q. Did the third man ejaculate in you?

20 A. Yes, he also ejaculated in me.

21 Q. Yesterday, you stated - and I'm referring to page 23, lines 24 to 25 of the English
22 unedited transcript - that the first Banyamulengue pointed a weapon at your head; is
23 that correct?

24 A. Yes, he pointed his weapon at my throat once I had laid down; at my neck.

25 Q. Where was the weapon when he raped you?

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1 A. When he appeared and I resisted, he threw me down on the bed. He took his
2 weapon, he pressed it against my neck with his two hands, and then I crossed my legs
3 but he separated them with his Rangers. He separated my legs by force, and that's
4 when he slept with me there and then. When he got up, the other person came.
5 The weapon was still in the same position when the third person arrived.

6 Q. What happened with the weapon when the third person arrived?

7 A. Nothing happened with the weapon. I said when the first person arrived he
8 pressed his weapon against me before he slept with me, and the weapon remained in
9 the same position and it is then that the third person appeared. The weapon was
10 still in the very same position.

11 Q. Thank you, Madam Witness, for this clarification. What kind of weapon was
12 this?

13 A. It was a Kalashnikov. They had two *each.

14 Q. When the three men raped you, did any of them say something to you?

15 A. They didn't speak to me.

16 Q. Did they speak to you before the rape?

17 A. Yes. When they entered my room and when I saw them and I was afraid, they
18 asked me for money. I said I had none, and he then added that he wasn't going to
19 hurt me and that he only wanted to sleep with me. I said I didn't want to sleep with
20 him. As I resisted him, he said that if I didn't want to obey -- well, in fact, he
21 immediately threw me down on the bed, he spread my legs and *started to sleep with
22 me, and then -- well, after that he said nothing to me.

23 Q. In which language did the first perpetrator speak to you?

24 A. The first one who addressed me spoke in French.

25 Q. Were you able to understand him?

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1 A. Yes, I understood him very well. He said he wasn't going to hurt me. Before
2 that he said, "Yaka." I didn't say anything, and then he added, "Give me money,"
3 and I said I had none. He tried to force me and, as I struggled, he pushed me and he
4 added that he didn't want to do any harm to me. And then -- well, he spoke in
5 French after that and the others who came after him didn't say anything.

6 Q. Did he speak with an accent? Did he speak French with an accent?

7 A. First he started speaking in Lingala and he mixed in a bit of French. I was just
8 trying to understand the French he used to speak to me.

9 Q. Did any of the three perpetrators speak to you after the rape?

10 A. They didn't speak to me afterwards. When the first one had finished sleeping
11 with me, he got up. The second one arrived. During that time, the first one left.
12 The second one, when he had finished, he got up and then the third person arrived.
13 They didn't say anything to me afterwards. Those who were there in the room, they
14 were searching the room. They just wanted to steal my belongings. They pushed
15 me - *I was in front, they were behind them - and then we all went to the living room
16 to see the other family members. They didn't say anything.

17 Q. We will come back to the stealing of your belongings later, Madam Witness.
18 Did the six men in your room talk among themselves?

19 A. Yes, the three who were gathering my belongings spoke to each other, but it
20 was in Lingala and I didn't understand it.

21 Q. Madam Witness, I would like you to describe the three perpetrators. Can you
22 please start with the first one. How old was he?

23 A. Well, I don't know his exact age, but when I saw them I had the impression that
24 they were 25, 18, 19, 15 years old. They were all young boys, in any event.

25 Q. Are you referring to the six men in your room?

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1 A. Yes, I am referring to those six men.

2 Q. How were they dressed?

3 A. They were in uniform. They wore the same uniforms as those worn by the GP.
4 They had Rangers and berets; green berets.

5 Q. Can you please explain what you mean by "GP"?

6 A. GP means soldiers. They are the soldiers who provide security for Patassé.

7 They are members of the Garde présidentielle, the presidential guard, and that is why
8 I refer to them as the GP.

9 Q. What kind of uniforms did they wear?

10 A. They were wearing GP uniforms. They were also wearing Rangers, as well as
11 the same kind of headwear. That is the kind of uniform they were wearing. They
12 were wearing the same kind of uniform.

13 Q. Were they all wearing the same green berets?

14 A. Some of those who entered the house were wearing green berets; others weren't.
15 I don't know whether they had taken their headwear off. I can't know that, but as
16 for the colour of the headwear that the others were wearing, it was green.

17 Q. My next question may be obvious for you, but not for all of us. What are
18 Rangers?

19 A. I don't know other names for them, but they are military shoes. I know those
20 shoes by that name. They're the shoes that are worn by soldiers.

21 Q. Do you recall if the uniforms were old, or new?

22 A. I wasn't trying to see whether they were new or old ones. I don't know,
23 because I was very sad. I wasn't trying to find out about those details, but they were
24 new uniforms all the same. One of the Banyamulengue said to me that President
25 Patassé was a good president, "He has given us good things to wear, with Ranger

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1 boots and berets as well, and good attire." So the clothing must have been quite new;
2 brand new.

3 PRESIDING JUDGE STEINER: Madam Kneuer, I think we need to go to a
4 mid-afternoon break.

5 MS KNEUER: Madam President, I was under the impression that we said two hours,
6 a break, two hours.

7 PRESIDING JUDGE STEINER: I'm sorry, my mistake.

8 MS KNEUER: Thank you, Madam President.

9 Q. Madam Witness, you mentioned earlier that the first perpetrator said to you
10 that he doesn't want to hurt you. Did you believe that?

11 A. I did not believe him and that's why I refused and he forced me.

12 Q. Madam Witness, can you please describe to the Court how you felt during the
13 assaults?

14 A. That day in my mind, when they brutalised me, after I got up and I found my
15 entire family and we fled that day, I wanted to commit suicide.

16 Q. While the three Banyamulengue raped you, one after the other, what were the
17 other three men doing in your room?

18 A. The other ones were looking through the drawers and gathering up my clothing.
19 Others were looking on the shelves as well and they were picking up various items of
20 mine, small belongings. *But these other ones didn't want to sleep with me. If they
21 had wanted to, they also would have slept with me. But they didn't want to.

22 Q. We come back to this in a moment. Earlier you mentioned that the six men
23 had two Kalashnikov, and you mentioned that the first man held one weapon against
24 your head. Do you recall who was in possession of the second Kalashnikov?

25 A. There was a rope attached to that weapon and some people were holding their

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1 weapons, and the one who slept with me, he put his weapon to my neck and the other
2 one put somewhat behind.

3 Q. Madam Witness, I'm very sorry, but I have some difficulties with the
4 interpretation. Could you please repeat and explain again to me who the other one
5 was who had the weapon and where he was located in the room.

6 A. He assaulted me. He held his weapon in his hand and the other weapon he
7 put it at my neck, behind him. That is what I said.

8 THE INTERPRETER: He put his weapon -- he slung it around his shoulder, corrects
9 the Sango interpreter.

10 MS KNEUER:

11 Q. Madam Witness, I still have some difficulties to understand and it's entirely my
12 fault. Do I understand you correctly that the first perpetrator had two weapons?

13 A. They all had two weapons each. The one who came in first, he wanted to sleep
14 with me. That one was holding his weapon between his hands, and the other
15 weapon he had slung around his shoulder. It was on a strap. The one he had in his
16 hand, he pointed it at me and he pointed it at my neck and he started to sleep with me.
17 The others held their weapons -- well, they had their weapons slung around their
18 shoulders, but they didn't take them off. They just pushed them towards the back
19 and they started to sleep with me.

20 Q. Thank you, Madam. Now I understood. I'm now coming back to the
21 evidence you gave a minute ago, and I mean when you described to us that the men
22 were searching your room. Can you specify which items they took from your room,
23 please?

24 A. They took some posters, some irons, some portable telephones, clothing, not
25 light clothing. They took some toiletries and small items that I can't list here. They

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1 took some watches and other effects as well.

2 THE INTERPRETER: Correction from the English booth: They took some radio
3 sets, not posters.

4 MS KNEUER:

5 Q. Do you know what they did with the personal belongings that you just
6 described?

7 A. No, I don't know what they did with them.

8 Q. Did they return these items to you?

9 A. No, they did not give these things back to me. They left with them.

10 Q. How did they carry these items?

11 A. Well, they had bags and they didn't take items that were heavy. They took
12 light items and put them in the bags and carried them on their shoulders.

13 Q. Madam Witness, I would like to direct your attention now to what happened
14 to the family members in your house. Can you please describe to the Court what
15 happened to them?

16 A. Yes, I can describe what happened to them.

17 Q. Can you please do so?

18 A. Those Banyamulengue took me in the room and took me out into the living
19 room. During that time the others were rummaging through the room, and they
20 took out all the other members of the family and put them in the living room. Now,
21 in the living room there was another bedroom where -- where my uncle used to sleep,
22 the one who owns the house. He was ill. He could not move about.
23 Now, they gathered everything up. We were in the living room and one of the
24 Banyamulengue had the wife of my uncle and said to her, "Take your clothes off," but
25 the wife of my uncle took her clothes off and, you see, she had scabies and when he

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1 saw the scabies he said, "I can't touch her. I can't sleep with someone like you. You
2 are very dirty. You are sick." That's what he said, he said that in French, so the
3 wife of my uncle put her clothes back on.
4 The other wife of my uncle, that woman was pregnant. They said nothing to her.
5 There was also my older sister. They didn't touch her. So they went back into the
6 bedroom of my uncle, who was ill and bedridden, and they said to him, "Give me
7 some money." And he said to them, "I don't have any money. I am ill. That is
8 why I am in bed." They said to him, "But what is wrong with you exactly?" He said
9 to them, "I am paralysed." And they asked the same question, "Paralysed? What
10 kind of illness do you have?" My uncle responded saying, "I am paralysed," and one
11 of them said, "You are lying. If you are in bed, it's because you are lying on the bed
12 and there's some money underneath." Now since we didn't give them any money,
13 that meant, "You are lying on some money."
14 So they took my uncle. They threw him to the ground as if he were some kind of
15 object, as if my uncle had become an animal in their eyes. They threw him to the
16 ground. They hit him with the butt of the rifle and they searched the bed looking for
17 money. They didn't find the money they were looking for. They kicked him and
18 then they went out. They said, "You don't have any money and you live in a house
19 like this?"
20 They took another uncle and once again they said, "Since you don't have any money
21 to give us, we are going to take you somewhere and kill you." So they took him out,
22 they pointed their weapons at him to -- as if to kill him. Our dogs started to bark
23 and, frightened, they could not kill him. Finally, they shot at one of our dogs and
24 they left our uncle. They took the dog - the body of the dog - and left with that. So
25 that is what happened to my family.

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1 In the bedroom of my uncle, they asked him many questions. He was on the ground,
2 and at the same time others were going through the drawers looking for clothing,
3 taking clothing and other items. We have a storeroom in our house and they went
4 through that. They took our supplies of food and left with that. Then they went
5 out.

6 We have another house, or outbuilding, where the animals are kept, the ducks,
7 chickens, goats, geese. They took all those animals and killed the dog. They took
8 all these things, all these items, and left with them. That is what happened to my
9 family.

10 After they left, I said to my uncles, "We must flee. We can't stay at this same place."
11 So they understood me. We took our uncle to flee, to go away somewhere.

12 Q. Thank you, Madam Witness. You mentioned that some perpetrators were
13 going through the drawers and looking for clothing, taking clothing and other items.
14 Can you please specify the term "other items"?

15 A. As I said, in my uncle's room and in the storeroom as well, they took various
16 items. In my uncle's room, they took shoes, clothing, they took everything they
17 could that they thought was good. In the storeroom, they took foodstuffs that were
18 stored there. They took everything outside. They also took the animals, and we
19 have a kitchen out -- an outdoor kitchen and there's food there as well, so they took
20 all of that. So that is what I can tell you.

21 Q. Did they also take clothing of other family members than your uncle?

22 A. After that, I asked questions of the other family members. I asked them
23 whether they had taken things from them, as they had done in my room and in the
24 room of my uncle, and they said, "No, they took nothing." They just took items from
25 my bedroom and the bedroom of my uncle.

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- 1 PRESIDING JUDGE STEINER: Madam Kneuer, I think now we have to suspend.
2 I think the witness would appreciate a break, as well as parties and participants and
3 the Bench and, of course, our interpreters. So we are going to have our
4 mid-afternoon break for half-an-hour. We are going to resume the session at
5 5 o'clock sharp. I ask, please, court officer to lower the blinds in order for the
6 witness to be brought out of the courtroom.
7 *(Closed session at 4.27 p.m.) Reclassified as Open session
8 THE COURT OFFICER: We are in closed session, Madam President.
9 (The witness stands down)
10 THE COURT OFFICER: All rise.
11 (Recess taken at 4.29 p.m.)
12 (Upon resuming in open session at 5.07 p.m.)
13 THE COURT USHER: All rise. Please be seated.
14 THE COURT OFFICER: Your Honours, we are in open session.
15 PRESIDING JUDGE STEINER: So we are resuming. First I have information to
16 give to the Prosecution and Defence teams. I received a report from the court officer
17 that due to technical problems while using the equipment in court, the image of the
18 sketch drawn today by the witness, EVD-T-OTP-00600 was not captured.
19 So the suggestion is to ask the witness -- to give the witness a hard copy of the
20 previous sketch and ask the witness to re-draw the new information, and then after
21 have it be shown to the parties for authentication, so this would be filed in the case
22 file as evidence of the case.
23 I would like to know whether this solution would be agreeable for both parties?
24 MS KNEUER: Madam President, it is agreeable to the Prosecution. In addition, I
25 would like to bring to your attention that I'm planning to go back very briefly to the

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1 sketch to mark one room that is left. I'm not sure how that would then play out with
2 regards to the EVD numbers.

3 PRESIDING JUDGE STEINER: Therefore, what could be suggested, if the parties
4 agree, is that we ask the witness now, before you start your questioning, to draw the
5 marks that she had done before and then you can add one more before we file in the
6 case file. Is that convenient for the Defence?

7 MR LIRISS: (Interpretation) We have no problem with that, your Honour.

8 PRESIDING JUDGE STEINER: So then I will ask, please, the court officer to
9 provide -- to prepare a copy, a hard copy, of the previous sketch and, as soon as the
10 witness is brought into the court, we are going to ask her to re-draw the marks
11 requested by the Prosecution.

12 Is that solution fine, court officer? It's possible? Okay. So you can put in front of
13 the witness bench and at the same time we can go into closed session in order to bring
14 the witness in.

15 PRESIDING JUDGE STEINER: Sorry, court officer. Madam Prosecutor.

16 MS KNEUER: With your leave, Madam President, I would like to make a short
17 submission regarding the agreed facts, please.

18 PRESIDING JUDGE STEINER: You have the floor.

19 MS KNEUER: The Prosecution --

20 THE COURT OFFICER: I'm sorry. Just for the record of the case, we were shortly
21 in closed session, but now we're in open again just for the submission.
22 Thank you.

23 MS KNEUER: Madam President, during the break the Prosecution considered again
24 the agreed facts that were reached today during the hearing, and we would like to
25 make a proposal to our learned colleagues from the Defence and the Chamber.

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1 Looking at the provision of rape as a crime against humanity and as a war
2 crime - meaning Article 7(1)(g)(i) and Article 82(b)(12)(i) - it appears that there are
3 four elements: The first one is the penetration; the second one is the force and the
4 threat; the third one is the widespread or systematic; and for a war crime, the armed
5 conflict and then the knowledge.

6 I think it would be helpful to have full clarity if the Defence could specify to what
7 exactly the Defence agrees. This would be helpful for the Prosecution specifically
8 with this witness, if there is a need to follow up, but more importantly for upcoming
9 witnesses that the Prosecution can adjust accordingly the examination.

10 Also, we believe that the victims waited for eight years to be heard in this Court and
11 they may want to take the opportunity to tell their story, so to a certain extent we may
12 want to leave it to the victims to tell their story. However, again, considering the
13 Prosecution's interest to contribute to expeditious trial proceedings and to minimise
14 any potential re-traumatisation of a victim, in these instances we would only question
15 the witness very briefly, with short, direct questions.

16 Therefore, the Prosecution suggests that the Defence would file in writing into the
17 record of the case what exactly they agree to. Thank you, Madam President.

18 PRESIDING JUDGE STEINER: Maître Liriss.

19 MR LIRISS: (Interpretation) Your Honour, a short while ago, when we made our
20 suggestion, we were taking into consideration the recommendations that you made
21 and the humanitarian issue related to the person herself. We did not want her to
22 relive what she experienced. We said that we were admitting that she suffered what
23 was inflicted on her, but that we would have reservations concerning the perpetrators.
24 That is what we said. If now, in the interests of the Prosecution, they feel that it is
25 necessary to question her witness on all these issues, then she's free to do so. What

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1 we agreed to is simply the fact that she was subjected to sexual violence. No more,
2 no less.

3 PRESIDING JUDGE STEINER: Maître Liriss, if I may, maybe I can help if I well
4 understood what the Prosecution proposes. If the Defence goes into the elements of
5 crimes, the crime against humanity of rape in Article 7(1)(g)(i) have four elements:
6 The first is related to the act suffered by -- allegedly suffered by the victim and,
7 second, that this act was committed by force.

8 If I well understood, the Prosecution is asking whether you are agreeing with these
9 two elements of the crime, or if you are as well agreeing with elements number 3 and
10 number 4. It's up to the Defence to decide what is the extent of the agreed facts.
11 And the same in relation to the war crime of rape, Article -- as provided in Article 2,
12 or 8(2)(e)(6)(i). If the Defence agrees with elements one and two of both crimes, so
13 the Prosecution is willing not to ask questions, or not so many questions, in relation to
14 these two elements.

15 MR LIRISS: (Interpretation) We agree on elements 1 and 2, not 3 and 4.

16 PRESIDING JUDGE STEINER: In relation to both the crime against humanity and
17 war crime, both charges; is that correct?

18 MR LIRISS: (Interpretation) That is correct, but we want to talk about one point.
19 It simply relates to who are the perpetrators. We are not agreed on that.

20 PRESIDING JUDGE STEINER: Would it be agreeable for the Defence just to file a
21 submission in relation to its agreement with elements 1 and 2 of such counts?

22 MR LIRISS: (Interpretation) Yes, we can file a submission to elaborate, but already
23 we have said that points 1 and 2 are not in dispute. We have stated that clearly.

24 This is not in fact a confession, but we are simply saying that the two points are not in
25 dispute.

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1 But we will defer to your wisdom. If you are of the opinion that the four elements
2 have to be established and -- despite the fact that we do not dispute the two first
3 elements, then it is up to you. The position that we have taken is because of the
4 welfare of the witness, but it does not constitute a confession on our part regarding
5 the four elements, but if you want we will submit a filing to that effect.

6 PRESIDING JUDGE STEINER: Do you have anything to add, Madam Kneuer?

7 MS KNEUER: Yes, very briefly, Madam President. I would like to seek further
8 clarification if this relates only to this witness, or to all witnesses, and if I understand
9 my learned colleague from the Defence correctly they're not agreeing, or they dispute
10 the perpetrators. Then logically it would also be able to agree on element number 3
11 of both crimes, and for the sake of clarity and also considering your Honours' prior
12 ruling with regards to Rule 69 that there should be written agreed facts, the
13 Prosecution would appreciate a written submission by the Defence.

14 PRESIDING JUDGE STEINER: So, Maître Liriss, the Chamber cannot in any way
15 suggest to the Defence what the Defence should agree upon or not. This is a
16 decision of the Defence team. So you have heard the submissions of Madam
17 Prosecution, so the Chamber would very much appreciate if tomorrow, before the
18 beginning of the hearing, we have a filing in which the Defence is able to clarify
19 exactly to which facts the Defence is agreeing upon and whether it's agreeing in
20 relation to all victims of sexual violence, or only the victim -- the Witness 22 that we
21 are questioning today, and so the Defence has time to meet and discuss and make a
22 filing with a very clear proposition. Is that agreeable for the Defence?

23 MR LIRISS: (Interpretation) The Defence agrees, but we would like to point out
24 the following: We did not say that the facts are established. We do not wish to
25 discuss that matter in open session. However, tomorrow we are going to submit a

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1 filing within the time limits that you have prescribed. You will have our clear
2 position on that, but regarding the Prosecution I would like to add that we are
3 referring here to Witness 22 and not to all the witnesses. We made that proposal
4 simply because of our concerns for the welfare of Witness 22. Thank you.

5 PRESIDING JUDGE STEINER: So could we then proceed with the questioning of
6 Witness 22. I please ask the court officer to lower the blinds and -- in order for
7 Witness 22 to be brought into the courtroom.

8 *(Closed session at 5.25 p.m.) Reclassified as Open session

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

10 (The witness enters the courtroom)

11 PRESIDING JUDGE STEINER: Madam Witness, welcome back. Court officer,
12 could you please turn into open session.

13 (Open session at 5.26 p.m.)

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

15 PRESIDING JUDGE STEINER: Thank you. Madam Witness, we had a technical
16 problem and because of this problem the changes you made in your sketch were not
17 saved in the computer. So the Chamber apologises, but we are allowing the
18 Prosecutor to ask you again to make -- to put your notes in the sketch that is in front
19 of you in order to replace that one. Do you agree in doing that?

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

21 PRESIDING JUDGE STEINER: Thank you very much. Madam Kneuer.

22 MS KNEUER: Thank you, Madam President.

23 Q. Madam Witness, can you please mark the two doors through which the
24 Banyamulengue entered your house. Mark with "D1" and "D2". Can you please
25 mark your bedroom with "W22".

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1 A. Yes, I agree.

2 Q. Now, Madam Witness, please mark the room of your sister with "R1." Can you
3 please mark the room of your uncle with "R2." You mentioned earlier that there was
4 another room of your uncle's; can you please mark that room with "R3". Can you
5 please mark the storage room for food items with "R4". Can you please mark the
6 room that had been turned into a library with "R5" Can you please circle the living
7 room and mark it with an "S".

8 Now, Madam Witness, I have an additional question with regard to the chart -- to the
9 sketch, I'm sorry. You mentioned before the break that your uncle's room was
10 located in the living room. Can you please mark that room with a "U". I'm
11 referring to the room of your uncle who was the owner of the house. Did you
12 understand what I meant?

13 A. Yes, I have.

14 Q. You mentioned further outside storage. And, your Honours, I'm referring to
15 page 26, line 16 of the transcript.

16 Is this outside storage also on the sketch?

17 A. Yes, it's there.

18 Q. Can you please mark the buildings outside your house with an "O". If there
19 are many or more than one buildings, please number them with "O1," O2," et cetera.
20 Madam President, perhaps it would be helpful for the parties and participants to see
21 the sketch before we -- before I close this section and we mark it accordingly.

22 PRESIDING JUDGE STEINER: Please, court officer, only inside the courtroom.

23 THE COURT OFFICER: The drawing is available in all your screens by pressing the
24 button "Document Cam Witness."

25 MS KNEUER: Madam President, to the best of my recollection, I think this is a

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1 correct sketch and I ask for an EVD number, please.

2 PRESIDING JUDGE STEINER: If the Defence agrees with the sketch that it
3 represents -- because this sketch is going to replace the former one. It's not going to
4 be attributed a new EVD number; it's to replace the one that was lost.

5 MR LIRISS: (Interpretation) Very well, your Honour.

6 PRESIDING JUDGE STEINER: So just -- court officer, please, just to repeat the
7 EVD-T number of the document.

8 THE COURT OFFICER: This document will then replace the sketch that was not
9 registered, and the EVD number will be the same, EVD-T-OTP-00600 and will be
10 marked as confidential.

11 PRESIDING JUDGE STEINER: Thank you very much. So now, Ms Kneuer, you
12 can continue with your questioning, please.

13 MS KNEUER: Thank you, Madam President.

14 Q. Madam Witness, before the break you told us a story and, in particular, you
15 were referring to events that happened in the living room, in the bedroom of your
16 uncle - the owner of the house - with regards to another uncle who was taken out and
17 last with regard to the outside storage.

18 For these four events, I would like to know where you have been. I will start with
19 the first one. When there was the communication people between your family
20 members and the Banyamulengue in the living room, where have you been at that
21 time?

22 A. Everything I've said -- well, I have said that I was already in the living room. I
23 was already in the living room.

24 Q. When you described what happened to your uncle, the owner of the house, did
25 you eyewitness that?

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1 * A. I saw that with my very own eyes, because they broke
2 down the door to his bedroom, and the shutters in his room
3 were open and the curtain
4 had been removed.

5 Q. The event with regards to your other uncle who was taken out, threatened with
6 a weapon, and finally the dog was killed, did you eyewitness that as well?

7 A. Yes. When they took him outside, they closed the door and from the inside we
8 could see them through the door. We saw him. From the inside, we could see
9 everything they were doing outside. I could see everything with my very own eyes.
10 We could see him when they were holding him there.

11 Q. Madam Witness, could you please clarify how you could witness this event
12 with your own eyes although the door was closed?

13 A. As I have said, as I showed in the sketch, the house had a corridor. They
14 closed the door and then they took him to where the window was and they cornered
15 him near the window - against the wall where the window was - and we were on the
16 side of the window and it's from there that we could see everything that they were
17 doing to him.

18 Q. Did you eyewitness when the Banyamulengue went to the outside storage?

19 A. All the belongings they had taken -- well, when they left I didn't see them with
20 my very own eyes, because we were still in the house when they -- I didn't see them
21 when they left. I didn't see them leaving with the belongings, but after we had gone
22 out of the house after they had left, when we were getting ready to flee, we didn't see
23 the items in the -- in the yard and that's when we understood that everything they
24 had taken from the house had been taken away with them.

25 Q. How many Banyamulengue went out of the house with your uncle?

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1 A. Those who entered his room, well, there were many of them. I didn't count
2 them. There were perhaps ten of them. And those who carried him, put him on the
3 floor, I think there were about five of them as my uncle was quite heavy.

4 Q. How many Banyamulengue took your uncle out of the house and threatened
5 him with a weapon?

6 A. There were only three of them. Three of them took him outside.

7 Q. How many Banyamulengue left the house to go to the outside storage?

8 A. When they entered, some of them went into the big house. Others entered the
9 other houses in the yard, so I didn't really know how many of them there were.

10 Q. Madam Witness, yesterday you briefly described to us the situation when your
11 uncle was taken outside by the Banyamulengue, and when you were describing that
12 to the Court you mentioned the following. I'm quoting from page 25, lines
13 16 -- sorry. Yes, line 14 until 20 of the unredacted -- unedited English transcript. I
14 quote, Madam Witness:

15 "And since they have not been given any money, they took one of our uncles and took
16 him outside, but before doing that they told us that Patassé had instructed them to
17 ensure that they should start killing all children aged ten and more and that everyone
18 who had a fence around their house was someone who was harbouring rebels."

19 A. It's true, that's how it was. As there are a lot of things to say, that is why I put
20 it in that way. Before they took him outside, they said -- they told us, as we had no
21 money to give them, we should know that President Patassé had told them, or had
22 asked them, to kill all men over ten years of age, and it was after that that they took
23 him outside. They also told us that we who had houses with barriers in PK12 were
24 rebels.

25 THE INTERPRETER: Or people rather who were sheltering rebels, correction.

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1 MS KNEUER:

2 Q. In which language did the men talk to you?

3 A. Some of them spoke in French and they addressed us in this manner.

4 Q. In particular with regards to the reference what President Patassé had told them,
5 in which language did the perpetrator communicate?

6 A. I'll repeat what I said. Those who spoke to us, the Banyamulengue who spoke
7 to us, spoke to us in French. Among them some could speak French, or would speak
8 in French, and others spoke in their own language. We -- as far as those who spoke
9 to us in French are concerned, they are the ones we listened to.

10 Q. Madam Witness, how long did the Banyamulengue stay in your house?

11 A. I can't know. All I know is that they spent a considerable amount of time in
12 our house and, as I have already said, when they entered our house they spent a
13 while there and when they left we decided to leave. I didn't have a watch that day,
14 so I don't know how long they spent in our house.

15 Q. Madam Witness, in your written statement you mentioned that the
16 Banyamulengue stayed for approximately two hours. And, your Honours, I'm
17 referring to CAR-OTP-0007-0500 at 0525.

18 My question is, Madam Witness, do you stand by this statement?

19 A. Yes, I stand by what I said.

20 Q. Do you know if any of your family members saw the Banyamulengue leaving
21 your house with the stolen goods?

22 A. No, my family members did not see them with those items.

23 Q. Madam Witness, earlier today you gave us a description of the six men who
24 were in your bedroom. You also mentioned that numerous men entered your house
25 and I would like to know from you if you can identify them as well. Among the

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1 group that entered your house, were there also women?

2 A. Yes, I saw some women amongst them, two or three of them. There were not
3 many of them.

4 Q. How old were these women?

5 A. Yes, this is what I've already told you. All the people I saw were under
6 25 years of age.

7 Q. How were the women dressed?

8 A. They too were wearing the same clothes as the men. They were
9 wearing -- they were wearing the same uniforms, Ranger boots, and they too bore
10 weapons.

11 Q. What did the male Banyamulengue wear that were not in your room?

12 A. They were wearing the same uniforms. They were wearing exactly the same
13 clothing and they were wearing the same Ranger boots. Their clothing was
14 identical.

15 Q. Did these Banyamulengue have weapons?

16 A. Yes, they all had weapons. I already said each one had weapons. That is
17 what I saw, each one had two weapons.

18 Q. The weapons that these Banyamulengue had who were not in your room, were
19 they also Kalashnikovs?

20 A. They were Kalovs, the same weapons.

21 Q. In which language did the Banyamulengue speak that were in the living room
22 amongst themselves?

23 A. They were speaking in Lingala.

24 Q. What did you do after the Banyamulengue left your house?

25 A. After they left, I said to my uncle -- I asked them to take my uncle, who is

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1 elderly, and to put him in a cart, a sort of a push cart, and flee because we could not
2 stay out of fear that the others might come and do the same thing to us. That is how
3 it came to be that my uncles obeyed what I said to them. I said to them -- we took
4 our uncle, we pushed him in this cart and we walked through the bush for a long
5 time. We exited (Redacted), to find ourselves on the main road, and we went to
6 Gobongo (Redacted) where we spent the rest of our stay.

7 Q. Where is Gobongo in relation to Bangui?

8 A. Gobongo is towards PK12. So if you leave PK12, you get to Gobongo before
9 going towards the crossroads with Boy-Rabé.

10 Q. How long did it take you to arrive in Gobongo?

11 A. Well, the time it took us? I don't remember. We ran afterwards, and we were
12 very tired before we got there. We fled through the bush before we found our way.
13 So we spent some time, but I don't remember exactly how much time.

14 Q. If you try to give an estimate, was it more than a day?

15 A. It wasn't an entire day. It might have been three hours or four hours before we
16 came out and arrived at Gobongo, but it didn't take one day.

17 Q. How long did you stay in Gobongo?

18 A. We stayed in Gobongo for several months, even a year.

19 Q. When you fled to Gobongo, what did you observe and hear on the way?

20 THE INTERPRETER: Apologies from the interpreter. Our microphone was not on.

21 THE WITNESS: (Interpretation) The inhabitants of Gobongo waited until they
22 crossed the checkpoint and the inhabitants of PK12 left. Finally they said that the
23 inhabitants of Gobongo -- the Banyamulengue are moving towards PK12 and such.
24 We fled to go to Gobongo.

25 MS KNEUER:

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1 Q. Madam Witness, I apologise, but there was an interpretation problem and we
2 only got your answer half. May I ask you to repeat your answer, please.

3 A. I said this: When we were fleeing from PK12 to go to Gobongo, we met up
4 with some people who had come out around the side of the road, and they had
5 learned that the Banyamulengue had arrived at PK12 and that they were carrying out
6 acts of violence and abuse. So those people said that they were going to leave
7 Gobongo to go to PK12. So there you have it. That is what we learned when we
8 went to Gobongo.

9 Q. What did you observe in Gobongo?

10 A. When we arrived in Gobongo, nothing was going on there. It was calm. The
11 neighbourhood was calm. Gobongo was calm.

12 MS KNEUER: Madam President, I would like to go briefly into a private session,
13 please.

14 PRESIDING JUDGE STEINER: Court officer, please, private session.

15 *(Private session at 6.14 p.m.) Reclassified as Open session

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

17 MS KNEUER:

18 Q. Where did you go after you lived for a while in Gobongo?

19 THE INTERPRETER: The witness has not understood the question, says the Sango
20 interpreter.

21 MS KNEUER:

22 Q. Let me start differently. Can you tell us where (Redacted) is?

23 A. (Redacted) is towards the north.

24 Q. Can you tell us about the experience of people in (Redacted)?

25 A. Yes, I can talk about that. After the events, two years later in the year 2004 I

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1 went to (Redacted). Once I got there, I told the people in
2 (Redacted) -- I told them about what had happened and they too gave me information
3 about what had happened there. (Redacted) told me that the Banyamulengue
4 arrived in (Redacted) and they fled the town to take refuge in the bush, three or four
5 months. They destroyed their possessions, their cattle. They also killed the (Redacted)
6 and I even saw the grave with my own eyes.

7 Q. What was the name of the (Redacted)?

8 A. His name was (Redacted).

9 Q. How old was he when he was killed by the Banyamulengue?

10 A. I didn't ask his age. I don't know what age he was.

11 Q. Was he rather a child, or an adult?

12 A. He was an adult. He wasn't a child. He was an adult because, when they
13 came to steal their cattle, he wanted to get involved and *they hurt him. So he was an
14 adult. He intervened. He really was an adult.

15 Q. Madam Witness --

16 THE INTERPRETER: Correction from the English booth: They harmed him.

17 MS KNEUER:

18 Q. Madam Witness, you just briefly described the circumstances of the death of
19 (Redacted). Who told you about that?

20 A. (Redacted) was the one who told me all about that. (Redacted) explained
21 everything that had happened.

22 Q. Did anything else happen to your (Redacted) in (Redacted)?

23 A. No, nothing. Nothing happened to them. Those are the events. What
24 happened to -- what happened is what I have told you about, and the (Redacted)
25 whom I didn't see I don't know what happened to them.

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1 Q. Did your (Redacted) tell you when (Redacted) was killed by the Banyamulengue?

2 A. No, she did not explain that to me.

3 THE INTERPRETER: The interpreter corrects: (Redacted) did not indicate that to me.

4 MS KNEUER:

5 Q. Madam Witness, a few minutes ago you mentioned that (Redacted) got involved
6 when the Banyamulengue came to steal the cattle and they hurt him. Do you have
7 any further information about this incident?

8 A. No, I have no information about -- that's all they told me.

9 Q. You mentioned that once you got to (Redacted) you told the people in
10 (Redacted) what happened to you, and for the record I'm referring to page 44, lines 21
11 onwards. What do you mean by that? What did you tell them what happened?

12 A. I explained to them the fact that the Banyamulengue had come to our home, and
13 I told them everything that they had done to us. I explained everything they had
14 done to (Redacted).

15 Q. You further stated, and I quote, "They too gave me information about what had
16 happened there." Can you please further explain that?

17 A. They said to me that, after the Banyamulengue went back, they saw them and
18 they fled to take shelter in the bush and the Banyamulengue stayed in the town.
19 They destroyed where they kept their supplies. They also shot and killed the
20 animals that they raised. They stayed in the bush for a very long time, in the bush,
21 before they came back out.

22 Q. Did these people make any reference to the time period when the
23 Banyamulengue came to (Redacted) and these things happened to them?

24 A. No, they did not make reference to dates.

25 Q. Do you have any idea from listening to them which time period this may have

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1 been?

2 A. I have no idea. I don't remember.

3 Q. You mentioned that (Redacted) fled into the bush for approximately three to
4 four months. Do you know what made (Redacted) come back out of the bush?

5 A. They told me they fled into the bush and spent a long time there. The head of
6 the neighbourhood, the neighbourhood chief, went into the bush and told them that
7 things had become calm in the village and that they must come out. After getting
8 that information, they decided to come out and go into the town.

9 Q. I understand that you visited (Redacted) in 2002 -- in 2004, I'm sorry. How
10 much time before did (Redacted) flee into the bush?

11 A. I do not know. They only told me about what had happened in 2002. But
12 when I went there in 2004, they had already come out and they were back in the
13 village.

14 Q. You just mentioned that (Redacted) told you about what happened in 2002.
15 Was it the rainy season or the dry season?

16 A. They did not tell me about that, so I do not know.

17 Q. Did (Redacted) tell you if it was towards the end of 2002?

18 A. Yes. These were people who usually do not speak with reference to dates.
19 They simply give information about what happened to them. They normally do not
20 give any indications about the various dates.

21 PRESIDING JUDGE STEINER: Madam Kneuer, let's try to avoid leading questions,
22 please.

23 MS KNEUER: Thank you, Madam President.

24 Q. Madam Witness, there's one last topic I would like to talk to you about and it
25 relates to the rape. After the three Banyamulengue raped you, how did you feel?

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1 A. On that day, after everything that had happened, I was thinking about killing
2 myself. Why did I think that? Because at the time that they were raping me, (Redacted)
3 (Redacted). It
4 was -- I had -- or, rather (Redacted). After those events, (Redacted)
5 (Redacted) that during the events the Banyamulengues had raped me.
6 (Redacted) called me later to cross-check the information, and I told (Redacted) that it was
7 true. When (Redacted) called me, I was really sad. I wanted to commit suicide. During
8 that time, (Redacted). After that, (Redacted) asked me to go and do some medical tests. I told
9 (Redacted) that after the events (Redacted) had given me money to go and undergo
10 the medical tests.

11 At the hospital, I was asked to do (Redacted). Regarding the other tests, I
12 was asked to go and wait for two months. I was compelled to wait for those three
13 months, to go and do those tests. Then after that, I went and I did the tests (Redacted)
14 (Redacted) I told (Redacted) about that, and immediately afterwards (Redacted)
15 (Redacted).
16 (Redacted)

17 PRESIDING JUDGE STEINER: Madam Witness, just one second. Maître Liriss, I
18 didn't want to interrupt the witness, so that's why I wanted to wait until the witness
19 finished before giving you the floor. You have the floor now, please, if you still
20 want.

21 MR LIRISS: (Interpretation) I was wondering whether we were still in closed
22 session ever since the sketch. I think we forgot that we were still in closed session.

23 PRESIDING JUDGE STEINER: We are in private session.

24 MS KNEUER: Madam President, it's correct that we are in private session. The
25 reason was because I was talking about (Redacted). I'm not entirely sure if the

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1 information that we are now going to discuss may identify the witness, but I leave it
2 to your Honours to go to open session and then at one point, when it's necessary, to
3 consider to redact or to go to private session again.

4 PRESIDING JUDGE STEINER: Would just someone please from your team make a
5 very, very quick consultation with a representative of VWU on whether we could
6 continue with this. Sometimes it's easier for a victim to talk about facts than to talk
7 about feelings, so that's why I would like to have this information.

8 (Pause in proceedings)

9 MS KNEUER: Madam President, the representative of VWU gave two advice to my
10 colleague. The first one is that the witness would inform the Chamber if she feels
11 uncomfortable and the second one is that she recommends to stay in private session.

12 PRESIDING JUDGE STEINER: So, Madam Witness, can the Prosecution continue
13 with questioning you on these issues? Are you feeling comfortable in continuing
14 with your testimony?

15 THE WITNESS: (Interpretation) Yes, I can continue.

16 PRESIDING JUDGE STEINER: So just to inform you that we are still in private
17 session, so the public cannot hear you.

18 Madam Kneuer.

19 MS KNEUER:

20 Q. Madam Witness, (Redacted)

21 A. After what happened, it was just one month after what happened, but I no
22 longer remember the precise date on which (Redacted)

23 Q. Madam Witness, you mentioned that you went to the hospital to undergo
24 medical tests and you mentioned that you were asked at the hospital to (Redacted)
25 (Redacted)

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1 A. I do not know how to explain this. (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. You mentioned that your -- that the results of the tests were positive. What do
5 you mean by that?

6 A. Yes. Regarding the first medical test that I did, this is the one I did after the
7 events, after the hospitals started operating again. (Redacted) gave me money to do
8 those tests. When I went to the national laboratory I asked them (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. What was the purpose of these tests?

13 A. I did all those tests, because I did not know the health situation of those men.
14 They ejaculated inside me and it was for that reason that I went to the hospital to
15 undergo those tests.

16 Q. What did the doctors try to find out? You say the test (Redacted). Can you
17 explain what type of test it was? For what purpose?

18 A. They had me do all those medical tests to see whether (Redacted)
19 (Redacted)

20 Q. Madam Witness, how was your health before the assaults by the
21 Banyamulengue?

22 A. Yes, I was in good health, and this is because when (Redacted) I was
23 asked to do medical tests. I had undergone all those medical tests and the results
24 were (Redacted). I did the tests and the results were

25 (Redacted). After the events, I was compelled to do all those tests again. In any case,

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1 that was the reason why I had to do them.

2 Q. Madam Witness, you stated earlier that after the events you (Redacted)
3 tested and now you stated before the rapes you (Redacted). Just for the clarity of
4 the record, (Redacted) of what, please?

5 A. When I say (Redacted) it means at the time that I was in good health, and when I
6 talk about the (Redacted) results it means that I am (Redacted).

7 Q. Madam Witness, I apologise, but I have to ask you a very personal question.
8 Did you have (Redacted)
9 (Redacted)?

10 A. I didn't quite understand that question.

11 Q. Madam Witness, you were raped by the Banyamulengue, as you stated before,
12 and you told us that you underwent a test to determine if you (Redacted) and
13 you mentioned you undertook this test (Redacted) you went to the hospital.
14 (Redacted)
15 (Redacted)

16 A. No, I did not have any (Redacted). During the (Redacted)
17 I was not at peace, so I could not even want to have (Redacted). In fact, I
18 (Redacted). And when I remember the atrocities perpetrated upon me by the
19 Banyamulengues I didn't have any wish to have any sexual relationship and, even
20 when I thought about what (Redacted), I could not want to have any sexual
21 relationship during that time.

22 PRESIDING JUDGE STEINER: We have only five more minutes and I would like to
23 avoid what happened yesterday that I could not even say "Goodbye." So, just to
24 inform you whether you want to continue tomorrow, or --

25 MS KNEUER: I would like to continue tomorrow, Madam President.

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1 PRESIDING JUDGE STEINER: Court officer, please, let's go for a while into open
2 session.

3 (Open session at 6.54 p.m.)

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

5 PRESIDING JUDGE STEINER: Thank you very much.

6 Madam Witness, the Chamber would like to thank you very much for continuing
7 with your testimony before this Chamber. Now we complete almost two hours after
8 the break and we are sure that you need to take some rest. So we are going to
9 continue tomorrow, and we wish you a very, very good night, that you can rest, and
10 tomorrow we will be here again listening to your testimony. Thank you very much.

11 THE WITNESS: (Interpretation) Thank you.

12 PRESIDING JUDGE STEINER: So please, court officer, let's go into closed session in
13 order for the witness to leave the courtroom.

14 *(Closed session at 6.56 p.m.) Reclassified as Open session

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

16 (The witness stands down)

17 PRESIDING JUDGE STEINER: We can turn back to open session, please.

18 (Open session at 6.57 p.m.)

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

20 PRESIDING JUDGE STEINER: Thank you very much. I assume that tomorrow the
21 Prosecution will finish its questioning, and therefore we'll be back tomorrow at 2.30 as
22 always in this courtroom for the Prosecution questioning and legal representatives of
23 victims that are allowed to question the witness as well. Both legal representatives
24 have fulfilled the requirements imposed by the Chamber in seeking the Chamber's
25 permission to question the witness and by providing the Chamber with the questions

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1 to be asked. The Chamber considers that those questions are relevant to the case.
2 To clarify one concern raised by the Defence in yesterday's session, both legal
3 representatives of victims, Maître Zarambaud and Maître Douzima, are allowed to
4 question Witness 22. Maître Zarambaud is the witness legal representative, as he's a
5 dual status victim and witness. Maître Douzima, on the other hand, represents
6 victims of multiple rapes and pillaging allegedly committed in other parts of the
7 country, including Bossangoa that was mentioned in today's statement.
8 The questioning of this witness is therefore relevant to the interest of the victims
9 Maître Douzima represents as they are related to the contextual elements of the
10 crimes charged against the accused. Therefore the Chamber finds that the victims'
11 personal interests are involved in accordance with Article 68(3) of the Statute. So
12 both legal representatives are allowed tomorrow to put questions to Witness 22.
13 So since yesterday because of the timing of the tape I had no opportunity to thank all
14 the parties and participants involved, so today I do it and with a double intent.
15 Thank you, Prosecution team, legal representatives of victims.
16 Do you want to say something, Maître Douzima? We have a problem with the tape
17 again, so please be very, very quick.
18 MS DOUZIMA-LAWSON: (Interpretation) It is simply to have an idea about the
19 time at which Friday's hearing will begin. We want to be able to set the time for
20 those who will be giving us training on the Court software.
21 PRESIDING JUDGE STEINER: We will get in touch, but in principle Friday the
22 session will take place at the same time, same place - 2.30 in this courtroom - unless
23 there is any change. 'Til now, I have not been informed. So again I would like to
24 thank the Prosecution, legal representatives of victims, representatives of OPCV and
25 of VWU - Victims and Witnesses Unit - thank you very much for your presence here.

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1 Your feedback is very important for the Chamber.

2 Maître Liriss, we are going to run out of the tape again, but --

3 MR LIRISS: (Interpretation) Your Honour, given that the legal representatives
4 have been granted leave to ask questions, we would like to have access to their
5 applications for the participation of victims.

6 PRESIDING JUDGE STEINER: Which demand of participation you're talking about,
7 Maître Liriss? I could not understand.

8 MR LIRISS: (Interpretation) All the victims filled up application forms for
9 participation. I do not know whether the victims who are also witnesses did that
10 also. In case they did, we do not yet have the application for the participation of the
11 victim who is Witness 22.

12 PRESIDING JUDGE STEINER: I will clarify this item for you, Maître Liriss,
13 tomorrow, but I can assure you that the demand -- the request for participation has
14 been already decided upon. It's been already decided upon, but I will clarify
15 tomorrow. We don't have time now, Maître Liriss. I'm really sorry. It's a problem
16 with the tape. It's technical; it's not mine.

17 So thank you very much for the Defence. Please, you can send an email and we will
18 try to answer to your concern today. It's the best I can do.

19 So thank you very much for our interpreters and court reporters, and this hearing is
20 adjourned. We will resume tomorrow at 2.30 in this courtroom. Thank you very
21 much.

22 THE COURT USHER: All rise.

23 (The hearing ends in open session at 7.03 p.m.)

24 CORRECTIONS REPORT

25 The following modifications have been made in the transcript.

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1 *p.14 line 13

2 "They had two of them." is replaced by "They had two each"

3 *p.14 line 21

4 "...my legs and tried to sleep..." is replaced by "...my legs and started to sleep..."

5 *p.17 lines 20 to 21

6 "but they didn't want -- those ones didn't want to sleep with me. If they wanted
7 to -- the other ones did not want to sleep with me." is replaced by "But these other
8 ones didn't want to sleep with me. If they had wanted to, they also would have slept
9 with me. But they didn't want to."

10 *p.36 line 13

11 "he hurt them" is replaced by " they hurt him"

12 SECOND CORRECTIONS REPORT

13 The following modifications have been made in the transcript:

14 * Page 30 lines 1 to 4:

15 "A. I saw that with my very own eyes, because they broke down the room to
16 his -- the door, correction, to his bedroom, and the blinds in his room were open so it
17 was possible to see everything that was happening in his room as the curtain -- or the
18 curtains had also been drawn. " is corrected by

19 "* A. I saw that with my very own eyes, because they broke
20 down the door to his bedroom, and the shutters in his room
21 were open and the curtain
22 had been removed."

23 CORRECTION REPORT 3

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

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1 *Page 15 line 15

2 "they were in front, I was behind them"

3 Is corrected by

4 "I was in front, they were behind them"

5 RECLASSIFICATION REPORT

6 Pursuant to Trial Chamber III 's Second Order, ICC-01/05-01/08-2223, dated 4 June

7 2012, and the instructions in the email dated 24 September 2013, the version of the

8 transcript with its redactions becomes Public