

Trial Hearing  
Witness: CAR-OTP-PPPP-0082

(Open Session)

ICC-01/05-01/08

1 International Criminal Court  
2 Trial Chamber III - Courtroom 1  
3 Situation: Central African Republic  
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08  
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and  
6 Judge Kuniko Ozaki  
7 Trial Hearing  
8 Friday, 4 February 2011  
9 (The hearing starts in open session at 9.32 a.m.)  
10 THE COURT USHER: All rise. The International Criminal Court is now in session.  
11 Please be seated.  
12 THE COURT OFFICER: Good morning, your Honours, Madam President. We are  
13 in open session.  
14 PRESIDING JUDGE STEINER: Good morning. Could, please, the court officer call  
15 the case.  
16 THE COURT OFFICER: The situation in the Central African Republic, in the case of  
17 The Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.  
18 PRESIDING JUDGE STEINER: Thank you very much. I would like to welcome the  
19 Prosecution team, the legal representatives of victims, the Defence team,  
20 Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters and court  
21 reporters. We will continue this morning with the questioning by the Defence of  
22 Witness 81 (sic), and just once again reminding mainly the Defence team that the  
23 Chamber was informed that yesterday the Witness left the courtroom in a high level  
24 of distress, anxiety, so the Chamber kindly asks the Defence to conduct the  
25 questioning in a way that doesn't put the witness under stress and, therefore, we can

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1 continue with her testimony without having to go into many breaks during her  
2 testimony. The Chamber would very much appreciate the cooperation of the  
3 Defence in that respect.

4 We are going to turn briefly into closed session in order for the witness to be brought  
5 into the courtroom. Court officer, please.

6 \*(Closed session at 9.35 a.m.) Reclassified as Open session

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

8 (The witness enters the courtroom)

9 PRESIDING JUDGE STEINER: We can turn into open session, please.

10 (Open session at 9.36 a.m.)

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

12 WITNESS: CAR-OTP-PPPP-0082 (On former oath)

13 (The witness speaks Sango)

14 PRESIDING JUDGE STEINER: Thank you, court officer. First of all, correction.

15 On page 2, line 3, we are talking about Witness 82 and not 81, as I said.

16 Good morning, Madam Witness.

17 THE WITNESS: (Interpretation) Good morning, Madam President.

18 PRESIDING JUDGE STEINER: Did you manage to rest during the night?

19 THE WITNESS: (Interpretation) Yes, I was able to rest.

20 PRESIDING JUDGE STEINER: Are you feeling ready to continue with your  
21 testimony this morning?

22 THE WITNESS: (Interpretation) Yes, I am ready to continue.

23 PRESIDING JUDGE STEINER: Thank you very much, Madam. I want to remind  
24 you, first of all, that you are still under oath. Do you understand that, Madam?

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

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1 PRESIDING JUDGE STEINER: And also, Madam, I would like to remind you that  
2 when we are in public sessions that you should avoid mentioning names, or any  
3 references to your family members, that can identify you or your family members.  
4 You are under protective measures. Your face and your voice that are broadcast  
5 outside the courtroom are being distorted, so nobody can identify you by your face or  
6 by your voice, but it's important that you remember not to mention names during  
7 your testimony in order to protect other persons, mainly your family members. Do  
8 you understand that, Madam?

9 THE WITNESS: (Interpretation) Yes, I understand well.

10 PRESIDING JUDGE STEINER: And, Madam Witness, if at any time you feel tired,  
11 you feel distressed or you want a break, just let us know. We can have as many  
12 breaks as you want. Do you understand that, Madam?

13 THE WITNESS: (Interpretation) Yes.

14 PRESIDING JUDGE STEINER: Thank you. I'm giving the floor to Maître Kilolo.  
15 He will continue questioning you. Maître Kilolo.

16 MR KILOLO: (Interpretation) Thank you, Madam President.

17 QUESTIONED BY MR KILOLO: (Interpretation) (Continuing)

18 Q. Good morning, Madam Witness.

19 A. Good morning, counsel.

20 Q. We are going to continue with a certain number of questions and then we will  
21 conclude our cross-examination for today. Are you agreeable to that?

22 A. Yes.

23 MR KILOLO: (Interpretation) Thank you. I would like to ask the court officer to  
24 display on our screens Exhibit 1, but before that I would like to ask the President  
25 whether we can go into private session. We have a series of questions that we would

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1 like to ask before reverting to open session.

2 PRESIDING JUDGE STEINER: Let's go into private session.

3 \*(Private session at 9.42 a.m.) Reclassified as Open session

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

5 PRESIDING JUDGE STEINER: Madam Witness, we are in private session, so

6 nobody outside the courtroom can listen to you, can hear what you say, so feel free to

7 speak. Maître Kilolo.

8 MR KILOLO: (Interpretation) Much obliged, Madam President. Court officer,

9 please display Exhibit 1, CAR-OTP-0028-0040, EVD-P-0258 -- correction, 05148.

10 THE COURT OFFICER: The document is available on your screens and it has

11 already been attributed an EVD reference, which is EVD-T-OTP-00135 and is marked

12 as confidential.

13 MR KILOLO: (Interpretation)

14 Q. Madam Witness, there is a sketch on the screen which you prepared for the OTP

15 investigators in Bangui and this sketch reflects your family compound in PK12, which

16 was the scene of the violence. (Redacted)

17 (Redacted)

18 (Redacted)

19 My first question to you is as follows: (Redacted)

20 A. (Redacted)

21 (Redacted)

22 Q. Thank you. Can you tell us at what particular place the rape of which you

23 were a victim took place?

24 A. Counsel, I did not understand your question.

25 Q. Were you raped inside of the house or outside?

1 A. I was raped outside of the house; that is the house (Redacted).

2 Q. Do you mean outside between (Redacted)

3 A. Yes.

4 Q. Thank you. Can you tell us where (Redacted) was raped?

5 A. These events took place a long time ago. It is not possible for me to remember.

6 Q. Thank you. Can you tell us whether (Redacted) was also raped?

7 A. Yes, she was raped in her room and she was in her room at the time of their  
8 arrival.

9 Q. And that was in which of the (Redacted)?

10 A. (Redacted).

11 Q. There is a cross on the sketch that is at (Redacted). Are you the one who  
12 marked that cross? Is that where (Redacted) was raped?

13 A. Yes, that is what I indicated.

14 Q. I can also see two crosses outside of (Redacted), in front of the two side  
15 doors. Are you also the one who marked those "X"s?

16 A. Yes.

17 Q. Can you tell us what they represent?

18 A. These are the doors leading out of the house.

19 Q. Thank you. Just next to the "X"s representing (Redacted)

20 (Redacted), there is a cross there which is similar to the one that is indicated inside (Redacted)  
21 (Redacted). Is that the scene of a rape? Does that represent the scene of a rape?

22 A. Yes, that is where I was raped.

23 Q. I'm referring to the part of the compound between (Redacted)

24 (Redacted); that is to the extreme left of the screen. There are two distinct locations in  
25 front of (Redacted) and another one in front of (Redacted), so these are

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1 three markings. Can you tell us specifically what they represent?

2 A. (Redacted) are in our compound. That is why I made all those markings.

3 Q. Do the various signs represent the locations at which the rapes took place?

4 A. I have talked to you about those marks, but you continue asking me questions  
5 on the same things, so the marks represent the road and the various doors.

6 PRESIDING JUDGE STEINER: Maybe we are having a problem - the Defence is  
7 having a problem - in explaining to you which signs the Defence want you to identify,  
8 so the Defence is asking about some signs in this sketch made by you. If the Defence  
9 allows, I would ask, please, maybe the court officer can point out on the screen to the  
10 signs you are referring to in order to facilitate the witness to give an answer to your  
11 question. Is that agreeable to the Defence?

12 MR KILOLO: (No interpretation)

13 PRESIDING JUDGE STEINER: You can give directions to the usher, please.

14 MR KILOLO: (Interpretation)

15 Q. Madam Witness, inside (Redacted) we have a mark there, a cross, at the  
16 very centre, and if I understood you correctly this represents the place where (Redacted)  
17 (Redacted) is supposed to have been raped; is that correct?

18 A. That is correct.

19 Q. Thank you very much. Now, between (Redacted),  
20 you have also marked part of the compound with a cross. Does that represent the  
21 place where you were raped?

22 A. Yes, that is correct.

23 Q. Now, right next to (Redacted) you have also marked the compound with a  
24 cross. What does that represent? Was someone raped at that place and, if so, who?  
25 That is the cross next to (Redacted).

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1 A. That is simply meant to show the house.

2 Q. Thank you. We have two other marks. First of all, at the very bottom of the  
3 screen, that is to the left of (Redacted), and let us go up again slightly, that is  
4 between the two, come back down between the two. That is it. Now, at that  
5 location, does that represent anything in particular?

6 A. They came in through there. That is why I marked it in that way.

7 Q. Thank you. Now, just above that, that is the next door. Yes, indeed. Can  
8 you tell us what that mark represents?

9 A. They entered through there. That is why I marked it.

10 Q. Very well, thank you. Now, apart from yourself and (Redacted), who  
11 were the others who were raped?

12 A. Please kindly repeat your question.

13 Q. Very well. You have marked two places where rapes took place; that is where  
14 you were raped and where (Redacted) was raped. Were any other people in  
15 the house raped?

16 A. What they did, they did to all the members of the family. My elder sisters  
17 were subjected to the same atrocities and, if you ask me questions on those events, it  
18 makes me angry. I am irritated.

19 Q. Very well, we will move on. Can you simply tell us in which house (Redacted)  
20 (Redacted) was at the time that those people came into your house; that is the rapists?

21 A. (Redacted).

22 Q. Thank you. Can you tell us where (Redacted) was?

23 A. The events took place a long time ago. I do not remember all the details, so the  
24 answers I'm giving you is -- are only because of the few details I can remember about  
25 the events.

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1 Q. No problem with that. Can you tell us where (Redacted) was?

2 A. There are (Redacted). There's the elder one and the younger one. In the  
3 second room (Redacted), the elder one, lives in the second room and (Redacted) in the  
4 other.

5 Q. Thank you. I wanted to speak about the elder (Redacted). You referred to  
6 rooms, but which house did this (Redacted) live in?

7 A. The houses that are next to each other. I think I showed it to you.

8 Q. Which one? There are (Redacted) in total. Which number?

9 A. (Redacted).

10 PRESIDING JUDGE STEINER: Do you need the presence of the court usher?

11 MR KILOLO: No, Madam President.

12 PRESIDING JUDGE STEINER: Thank you very much.

13 MR KILOLO: (Interpretation) Thank you.

14 Q. Witness, could you say - could you tell us - where (Redacted) children were?

15 A. (Redacted) children were in the (Redacted) house, (Redacted).

16 Q. Thank you. Can you tell us who (Redacted) is?

17 A. You are asking me a lot of questions. There are others that are excessive  
18 among these questions, there are excessive questions among them. (Redacted) is my  
19 uncle and he lives in the (Redacted).

20 PRESIDING JUDGE STEINER: Madam Witness, we all know how difficult it is for  
21 you to remember all these facts that were quite traumatising for you and your family,  
22 but you came here to this Court in order to help the Judges to find the truth, and for  
23 that purpose sometimes the Prosecutor and the Defence, and even the Chamber, we  
24 have to put to you some questions that we know make you feel a little bit angry, but  
25 you are here to help us to find the truth. So, as much as you can, please answer to

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1 the Defence questions.

2 If the Defence puts any question that the Chamber feels like distressing, or intrusive,  
3 the Chamber is here to protect you. So feel comfortable. We are in private session.  
4 You can mention names. Nobody is listening to you. So we want you to feel  
5 comfortable in answering the questions. Is that fine with you, Madam?

6 THE WITNESS: (Interpretation) Yes, that's fine.

7 PRESIDING JUDGE STEINER: Thank you so much. Maître Kilolo.

8 MR KILOLO: (Interpretation) Thank you, your Honour.

9 Q. Witness, could you tell us where (Redacted) was when he died?

10 A. (Redacted) had left. I think it was at the top of the hill. They -- it had to do with  
11 (Redacted). They met him. They asked him for money. He said he had none.  
12 They hit him with their rifle butts. He returned home and somewhat later he died.

13 Q. Did you go to his funeral?

14 A. He was beaten on the road. He returned home. He was crying. When we  
15 asked him what had happened, he said he had met the Banyamulengue, they had  
16 asked him for money, and he said he had none and that they -- they beat him. He  
17 returned home. The following day he was vomiting blood and he died as a result of  
18 this.

19 Q. Did he die in your presence?

20 A. He died in our home.

21 Q. Thank you. Were the people still in your neighbourhood at PK12 when your  
22 neighbour's door -- (Redacted), the neighbour's door was broken down?

23 A. They were there. They beat him. I'm speaking about what I personally saw.  
24 As far as everything else is concerned, I have no information.

25 Q. Did you see how they beat him?

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1 A. When he was crying out, well, according to you, who was beating him? It  
2 wasn't the people -- the people who arrived, the Banyamulengue did there. How are  
3 you thinking? Who else could have done that? Who else could have beaten him?

4 Q. Thank you. Who told you it was the Banyamulengue? Is this something that  
5 you yourself assume?

6 A. Well, I didn't imagine what they did. It's not a dream. It's the truth. I'm  
7 telling you about what I saw. I can't tell you about imaginary events. If you had  
8 suffered these acts of violence, would you be happy? Would you be here, putting  
9 such questions to me now?

10 Q. Did you see the leader, the (Redacted), crying, or did you see this at the  
11 time that he was attacked by those who were allegedly Banyamulengue?

12 A. We were in the house when they beat him. His house is next to ours. He was  
13 crying out. You know, they were dangerous, so it wouldn't have been intelligent to  
14 go out at that point in time. What could we have done? It's when they left that we  
15 went out and they told us about the events, or rather he told us about the events.

16 Q. So are you saying that while he was being beaten and his belongings were being  
17 taken from him, you were in your house?

18 A. We were in the house. It's once they had finished beating him that we went  
19 out. We saw him, he told us about what had happened, showed us his wounds.  
20 They were wounds that had been inflicted with arrows.

21 Q. Madam, it's not what you said to OTP investigators in 2008, because you told  
22 them that you had gone to the field next to the (Redacted) when these \*events  
23 happened. I'm referring to document CAR-OTP-0037-0070, or rather 77. Which  
24 version should we take to be the true one?

25 A. Yesterday you put questions to me. Today you are putting the same questions

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1 to me and now I no longer understand. You are asking me questions about the  
2 houses I can see on the screen and then you move on to another subject. I  
3 understand nothing. Yesterday I told you about everything that had happened. I  
4 explained everything. I'm here. I'm at your disposal. I can answer questions that  
5 concern the houses on the screen, the houses that I can now see, but I don't know  
6 where you are going.

7 MR KILOLO: (Interpretation) I believe we can now move on to another subject.

8 Your Honour, could we perhaps move into open session for my following questions?

9 PRESIDING JUDGE STEINER: Court officer, please let's go into public session.

10 (Open session at 10.12 a.m.)

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

12 MR KILOLO: (Interpretation)

13 Q. Witness, was there any other person, a third person, who was present at the site  
14 while you were being sexually assaulted?

15 A. You've asked me questions about my rape. Please don't disturb me with such  
16 questions.

17 PRESIDING JUDGE STEINER: Madam Witness, if you need a break, you can have a  
18 break, but the Defence is asking you about what happened to you in 2002. You are  
19 here to tell the Chamber what happened to you, so please help the Chamber to  
20 understand what happened to you. Don't be angry if the Defence asks questions  
21 about that, because this is the reason why you are here. You were called to testify.  
22 If you don't feel comfortable with a question, we can ask the Defence to put the  
23 question in another way. So let us know if you prefer a question to be put in another  
24 way, but the Defence has the right to ask you about what happened to you and to  
25 your family. Do you understand that, Madam?

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1 THE WITNESS: (Interpretation) I understand, but the questions are repetitive. A  
2 question is put and then the same question is put several times and this can make one  
3 angry. That's why I'm saying these things.

4 PRESIDING JUDGE STEINER: I agree with you that sometimes the questions are  
5 quite repetitive and the Chamber will try to help you in not feeling angry, and the  
6 Chamber will ask the Defence not to be so repetitive, but some questions, Madam,  
7 need to be asked once, twice, because we need to be sure about all details. So don't  
8 take offence. They are not trying to make you angry; sometimes they need  
9 clarification. Don't take offence from that, Madam. Is that fine with you?

10 THE WITNESS: (Interpretation) I understand, your Honour.

11 PRESIDING JUDGE STEINER: Maître Kilolo, it's quite easy to see what really  
12 causes distress on the witness. Let's try to avoid as much as possible repetitive  
13 questions.

14 MR KILOLO: (Interpretation) Thank you, your Honour.

15 Q. Madam Witness, this will be the first time that I'll have to put the question to  
16 you about whether some other person was a witness or saw you when you were  
17 being raped.

18 A. When I was raped outside, I was crying out. My father came to intervene.  
19 The second person terrorised my father with his rifle. My father withdrew then and  
20 that is how people started shouting, crying out, and I can't remember everything that  
21 happened to me and tell you all the details.

22 Q. But what you have said now are details of which you have a clear memory?

23 A. Yes, that's correct.

24 Q. Nevertheless, this is not what you said to ICC investigators in 2008 and I'm  
25 referring to the following document: CAR-OTP-0037-0060 in the French version. In

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1 the English version, it's document CAR-OTP-0028-0006, page 0033.

2 I will read out what was said: "Did they speak to you while they were sleeping with  
3 you?" Answer: "No." "Do you know whether someone from your family saw  
4 what was happening to you?" Answer: "No." A little further down: "Did you  
5 tell your family about what had happened to you?" Answer: "I said nothing."

6 We'll perhaps move on to the following question, Madam. Is that fine with you?

7 A. What you have just said, you have a document before you, I would like you to  
8 read out what I said. You didn't read out the entirety of my testimony. You say  
9 things that I did not say and I'm uneasy about that.

10 Q. Madam, rest reassured, I provided the references, the Judges have the document  
11 on their screen and they can check what has been read out. I believe that your  
12 lawyers have the same document. What I have just read out is exactly what you said  
13 to OTP investigators in Bangui in 2008.

14 I'll move on to my following question. Were you examined by a doctor after the  
15 rape?

16 A. No, I wasn't examined by a doctor.

17 Q. Why didn't you go to see Médecins Sans Frontières, Doctors Without Borders?

18 A. But you sent those people there to consult us on that day. Given everything  
19 that had happened to me, I was uneasy. I couldn't go out. What was I to do, to go  
20 to the hospital? As far as the hospital, I didn't feel at ease.

21 Q. Thank you. But, Madam, that's not what you said in your application for  
22 participation as a victim. I'm referring to the document CAR/2413/10 dated  
23 7 September 2010, page 11 of the application for participation, and you were asked  
24 whether you had been examined by a doctor after the events in question and your  
25 answer was "Yes." Under 4, "If so, do you have the files that concern medical or

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1 psychological treatment that you received or do you have access to such files?"

2 Answer: "I will provide the documents at a subsequent date, if possible."

3 Could you tell us where the medical documents that were promised are, in fact?

4 A. If you'd explained your question I would've understood it, but you didn't put  
5 your question in that way. I thought you were asking me about the time of the  
6 events, did I go to the hospital at the time, so I didn't fully understand your question  
7 and I couldn't understand -- I couldn't answer it.

8 Q. Did you go to the hospital at any point in time after the attack?

9 A. Yes, I went to the hospital.

10 Q. But, Madam, could you tell us why you said in 2008 that you hadn't been to the  
11 hospital? Why did you tell this to OTP investigators? It's CAR-OTP-0037-0060 in  
12 the French version. That's the reference for the document.

13 A. I haven't understood your question.

14 JUDGE ALUOCH: Mr Kilolo, since her answer on line 21 is "Yes, I went to the  
15 hospital," maybe you can ask her at what stage and under what circumstances did she  
16 go to the hospital? Maybe that would make her explain, because she seems not to  
17 understand your questions.

18 MR KILOLO: (Interpretation) Thank you, your Honour.

19 Q. Madam Witness, could you tell us under what circumstances and when you  
20 went to the hospital?

21 A. After I had been raped, my abdomen hurt. That's why I decided to go to the  
22 hospital for a consultation; an examination.

23 Q. Could you tell us whether it was on the same day or how many days later?

24 A. After I'd been raped, my abdomen hurt. Now that I'm speaking to you, I still  
25 have problems there. My abdomen still hurts.

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1 Q. It was how long after the attack, approximately speaking, that you went to the  
2 hospital?

3 A. I didn't go to the hospital immediately. I did it when things had calmed down.

4 Q. Was it two weeks? A month? Was it after the two-day stay (Redacted)? Was it  
5 before that?

6 A. What date do you want me to give you? All this happened and I told you I  
7 went to the hospital when things had calmed down. It wasn't immediately.

8 Q. If the events took place in 2002, in 2003 had you already been to the hospital?

9 A. As I have said, I went to the hospital. I can't say anything else. I keep telling  
10 you that I went to the hospital, but you are being insistent. What is it that you  
11 would like me to say?

12 Q. Thank you. Could you then tell me where the promised medical documents  
13 are?

14 A. But these events took place a long time ago. I can't keep files on me. If they  
15 were at home I'd have them, but on that day I didn't show them to the investigators.

16 MR KILOLO: (Interpretation) Thank you. For the transcript, I would just like to  
17 ask that reference be made to CAR-OTP-0028-0050, page 0060. I will move on to my  
18 next question.

19 PRESIDING JUDGE STEINER: Ms Kneuer?

20 MS KNEUER: Thank you, Madam President. It is helpful to have this reference,  
21 but could Defence counsel explain what the rationale behind is to make this reference,  
22 please?

23 MR KILOLO: (Interpretation) Thank you.

24 PRESIDING JUDGE STEINER: Maître Kilolo.

25 MR KILOLO: (Interpretation) I asked a question a few moments ago of the witness

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1 regarding the location of the medical documents she promised and she specified  
2 saying that during her meeting with the investigators she was not able to provide  
3 them with the documents in question and that the documents were at home, at her  
4 home.

5 When I read the statement that she made, the French version, CAR-OTP-0037-0079,  
6 the question was clearly asked of her; namely, "What did you do after the  
7 Banyamulengue did those things to you?" Answer: "We did nothing. My father  
8 went and looked for some traditional medicine for us. We didn't even go to the  
9 hospital, not up until now. Not up until this time." I think that this situation  
10 speaks for itself.

11 Q. Next question.

12 MS KNEUER: Thank you, Madam President. I am concerned that the Defence  
13 counsel is keep making comments and testifying himself. He can put these  
14 questions to the witness, but he's making the testimony. He's giving the testimony.  
15 And also I have to state, despite the good advice from Judge Aluoch, Defence counsel  
16 was not able to really elicit what he needs to make such an assertion.

17 The witness said, "I went to the hospital," but it is still unclear when she went. I  
18 don't see the contradiction and the Defence counsel would have to elicit this  
19 information. It is up to him to find a proper way and the manner to get the  
20 information of the witness. Currently, he's simply upsetting the witness.

21 And also again he's misquoting the witness, because the witness said "if there were  
22 documents" and he is saying she said the documents were at home. She never said  
23 this. This is unfair to the witness. Thank you, Madam President.

24 PRESIDING JUDGE STEINER: Maître Liriss?

25 MR LIRISS: (Interpretation) Your Honour, I am seeing that ever since the

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1 beginning of our cross-examination of this witness the Prosecution is attempting to  
2 block our cross-examination using any tool at their disposal. If these things are -- if  
3 these conclusions are false, well, you know, the Prosecution is not counsel to the  
4 witness. If these conclusions are false you, the Bench, will come to a determination.  
5 Now, if the witness -- if this witness is threatening the system of the Prosecution we  
6 can -- we can stop. I mean, if this is -- if this witness is vulnerable, well yes, we  
7 recognise that, but if there is a witness who is accusing someone of horrific crimes,  
8 well, really, ask -- we have to ask questions bearing in mind our duty. I thank you,  
9 your Honour.

10 PRESIDING JUDGE STEINER: I think from the observations made, the Prosecution,  
11 the one that is in my view relevant, is again that first, Defence doesn't need to take  
12 conclusions, because conclusions are to be taken by the Judges. So Defence is not  
13 here to testify. And, second, whenever making reference to a previous statement, or  
14 even to the transcripts, that the reference is given in the context, instead of picking  
15 and choosing parts of a sentence or of a statement out of the context.  
16 Apart from that the Chamber agrees that the Defence is entitled to pursue the answers  
17 that for the Defence are part of the Defence case, without distressing the witness,  
18 without making the witness angry. We have been here for three days with the  
19 witness. I think all of us could realise the difficulties in the testimony of this witness  
20 and we need to respect her limitations.

21 Maître Kilolo, you can proceed. Maître Liriss.

22 MR LIRISS: (Interpretation) Your Honour, please. Yesterday we attempted to be  
23 fair by putting the documents up on the screen and we thought it would be too fussy,  
24 so to speak, and this might fatigue the witness.

25 Now we are trying to provide these references to the Prosecution, to the legal

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1 representatives, to the Chamber. We must determine the accuracy and the context of  
2 the testimony. A few moments ago Ms Kneuer alleged -- well, she would have said  
3 in her application that she didn't -- she said that she did not have the documents but  
4 she was going to provide them. The form is very clear, "I will provide the  
5 documents later if possible." All we're saying is that there were documents and we  
6 are confirming that there were documents, but these documents have been left behind  
7 at home. We are verifying and it is up to the Bench to draw the appropriate  
8 conclusions; that is true. We are not drawing conclusions. We are of course  
9 allowing you to come to your own determination.

10 PRESIDING JUDGE STEINER: Let's continue with the questioning.

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

12 Q. Witness, could you tell the Court why your grandmother (Redacted),  
13 without providing any names of course?

14 A. (Redacted) was due to the shooting of firearms, the  
15 gunfire. She had an attack of a blood pressure attack and one of the consequences  
16 was her death.

17 Q. When you speak about gunfire, was that inside or outside your compound?

18 A. The gunfire, there were also explosions coming from the plane and the stray  
19 bullets that were whistling here and there. So, you see, there was the air force.  
20 There was the stray bullets.

21 Q. Was that during the clash between two opposing forces?

22 A. No, the Banyamulengue were shooting in a disorderly fashion.

23 Q. You were 11 years or 12 years of age at the time. Did you personally see the  
24 people shooting weapons?

25 A. Well, according to you, who could have been shooting? It was the

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1 Banyamulengue who were throughout the neighbourhood. They were the ones who  
2 were shooting. We saw them doing what they did. I have nothing to add.

3 Q. And the aeroplane you mentioned, who was that?

4 A. I'm not God. I can't know who was dropping bombs. I was young at the time.  
5 Was I in a position to know who was in the plane and who was setting off all these  
6 explosions?

7 THE INTERPRETER: Correction from the interpreter; doing all this shelling.

8 MR KILOLO: (Interpretation)

9 Q. Was your grandmother already suffering before the so-called Banyamulengue  
10 arrived? Was she already ill?

11 A. She was suffering from low blood pressure. So, you see, the explosions were  
12 intense and that caused this -- this attack, or this crisis of low blood pressure, and so it  
13 was the consequences of this shooting that caused her attack and in turn that caused  
14 to her death.

15 THE INTERPRETER: Could counsel please, message from the English booth, could  
16 counsel please observe a short pause between question and answer.

17 THE WITNESS: (Interpretation) The people were being shelled but, in your  
18 opinion, why did they come? Why had they come? They came for the people, but  
19 since it was all done in a very disorderly way, that shelling, it was shelling of the  
20 people, of the population.

21 MR KILOLO: (Interpretation)

22 Q. Who informed you of the cause of the death of your grandmother?

23 A. The question has to do with the death of my grandmother. You are asking me  
24 how she died, the date? I don't know. I don't understand your question. I can  
25 give -- I can't give the date of my grandmother's death, nor the cause, because that

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1 event is very disturbing.

2 Q. And if I were to tell you that your grandmother was already (Redacted) and she  
3 (Redacted) before the arrival of the Banyamulengue to your home, what  
4 would you say in response to that?

5 A. But did you see her (Redacted) to make that statement?

6 THE INTERPRETER: Message from the Sango interpreter: Could someone ask the  
7 witness to speak more slowly.

8 PRESIDING JUDGE STEINER: Madam Witness, the interpreters are asking you,  
9 please, to speak a little bit slower. They are having difficulties in interpreting into  
10 French and into English of what you say. Please just slow down a little bit. Thank  
11 you.

12 THE INTERPRETER: Many thanks from the interpreters.

13 MR KILOLO: (Interpretation)

14 Q. Ma'am, could you tell us how many Banyamulengue came to your home in all?

15 A. I haven't understood your question.

16 Q. I will put it differently. How many times did the Banyamulengue enter your  
17 home?

18 A. Well, since they came to our house, do you mean how many times they came to  
19 our house? They were throughout the neighbourhood. Once they came, there were  
20 six of them, and that day, that was the day that they committed these acts of abuse  
21 and violence.

22 Q. Does that mean that they came only once, the day of the violence and abuse?

23 A. They had entered the entire neighbourhood and they had dug trenches. They  
24 didn't come just once. They came to steal the chickens and the ducks of my father.  
25 The place where there was food, they would go to places where there was food often.

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1 Q. Now, when you talk about the sequence of events during the sexual assault and  
2 the theft of ducks and chickens, does that mean that they came twice in all? A total  
3 of two times?

4 A. What do you mean two times? They didn't come just twice, but my little  
5 brother who got involved when they tried to take the ducks, they beat him to death.  
6 Was that just twice? And the goods that they looted, they didn't come just once or  
7 twice. Where were they based outside of PK12?

8 Q. Thank you. In total, how many people -- were you present when the so-called  
9 Banyamulengue started to load the goods that they had taken in your house?

10 A. You know, I am talking to you about what I know. I can't answer questions  
11 about things that I don't know about, so I don't recall.

12 Q. To remind you, you said quite recently -- I am making reference to the French  
13 transcript, the real-time transcript, and this is transcript T-53, 2 February 2011, page  
14 19, line 13 -- no, I beg -- page 29, lines 27 and 28, as well as page 30, lines 1 to 16. You  
15 stated that you saw with your own eyes the Banyamulengue taking various items,  
16 various belongings, of yours and you say -- you said that they broke the television  
17 and the refrigerator. Do you remember that now?

18 A. Yesterday you asked me that question and I told you that I stood by that  
19 statement. Today why are you asking me this same question?

20 Q. Ma'am, this is the first time that I've asked you this specific question; namely,  
21 whether you saw with your own eyes the Banyamulengue enter your house, take  
22 your belongings, destroy your television set and your refrigerator. In the final  
23 analysis, do you confirm all of this, or not?

24 A. I confirm it.

25 Q. And yet, Ma'am, this is not what you said to the investigators, to the OTP

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1 investigators, in 2008, who asked you the same question which had to do with the  
2 television set, the broken refrigerator, the theft of your belongings at home. You said  
3 that you were away. You weren't there. You were even asked why do you think  
4 that it was the Banyamulengue, and you answered saying that it was because they  
5 had such a behaviour - general behaviour - and so you thought it had been them. I  
6 will provide you with the reference. In French, it's document CAR-OTP-0037-0075,  
7 and for the English version this is document CAR-OTP-0028-0050, page 0057.

8 Your Honour, should I briefly read out the passage in question?

9 (Trial Chamber confers)

10 PRESIDING JUDGE STEINER: If it is just to -- for the sake of the Chamber, there is  
11 no need because we have the -- we have the statement here.

12 MR KILOLO: (Interpretation) Thank you, your Honour.

13 Q. Witness, would you like me to briefly read out the statement that you made to  
14 the OTP investigators in Bangui?

15 A. Yes, could you read it out? But in relation to your questions, since you have  
16 the documents, I didn't keep all those facts.

17 Q. Thank you. I'll begin on the previous page, CAR-OTP-0037-0074, and I'll read  
18 out this passage: "Other than the chickens and the ducks, did the Banyamulengue  
19 take anything else from the house?" Answer: "They went inside the house. They  
20 took the television set belonging to my father and they smashed it on the ground.  
21 They also tried to carry out the refrigerator but it was too heavy, so they just  
22 destroyed it. We still have the structure, so to speak, of this refrigerator at home, the  
23 frame." Question: "Did they carry away anything else?" Answer: "They took all  
24 our clothing as well as my father's bed." Question: "What did they do with your  
25 clothing?" Answer: "They took it away." "Did they take anything else?" Answer:

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1 "No." Question: "How did they carry away these objects that they had stolen?"

2 I'll now move to the next page, "We weren't at home when they came. They broke

3 down the door and they took everything." "Did you see them take the chickens and

4 the ducks?" Answer: "We were there. We were at the house."

5 With regard to the chickens and the ducks, you said you were at the house. With

6 regard to your personal belongings inside the house, including the scene with the

7 television set and the refrigerator, you said that you were not there. Later on, you

8 even explained that you were at the farm. So my only question is, Madam Witness,

9 which one of these two versions should the Chamber believe?

10 A. With regard to the fridge, we were inside the house. As for the clothing, we

11 were at the farm, and while we were away, that is when they took the clothing.

12 Q. Thank you. So we are to believe this third version?

13 A. That's right.

14 PRESIDING JUDGE STEINER: Mr Kilolo, can we go to the break?

15 MR KILOLO: (Interpretation) Of course, your Honour.

16 PRESIDING JUDGE STEINER: Madam Witness, we are going to suspend the

17 hearing for half-an-hour. Then you can take some rest. It is 11 o'clock now. We'll

18 be back at 11.30. I'm ordering, please, the court officer to turn into closed session in

19 order for the witness to be taken outside the courtroom, and in the meantime we are

20 going to suspend the hearing, and we'll resume at 11.30.

21 \*(Closed session at 11.00 a.m.) Reclassified as Open session

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

23 (The witness stands down)

24 THE COURT OFFICER: All rise.

25 (Recess taken at 11.01 a.m.)

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1 \*(Upon resuming in closed session at 11.34 a.m.) Reclassified as Open session

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

3 PRESIDING JUDGE STEINER: Welcome back to this courtroom. We are going to  
4 resume our hearing and I ask, please, the court officer to -- the court usher to bring the  
5 witness in.

6 (The witness enters the courtroom)

7 PRESIDING JUDGE STEINER: We can turn into open session, please.

8 (Open session at 11.36 a.m.)

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

10 PRESIDING JUDGE STEINER: Welcome back, Madam Witness.

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

12 PRESIDING JUDGE STEINER: Did you manage to rest a little bit?

13 THE WITNESS: (Interpretation) Yes, I was able to rest, Madam President.

14 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony  
15 before this Court?

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

17 PRESIDING JUDGE STEINER: Thank you very much. Maître Kilolo, you have the  
18 floor.

19 MR KILOLO: (Interpretation) Thank you, Madam President.

20 Q. Madam Witness, before I ask you my question I will read out to you an excerpt  
21 of your testimony in this courtroom, and I am referring here to the real-time French  
22 transcript number T-58 of 2 February 2011, page 26, lines 26 to 28, and page 27, lines 1  
23 to 4, and I will read: "And your grandfather, did anything happen to him during  
24 that incident?" "They took him, led him outside and beat him with the butts of their  
25 rifles." "Did they do anything else to him?" Your answer: "They took him out and

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1 beat him up. They did not do anything else to him. It was to me that they did the  
2 bad things."

3 Madam Witness, this was your testimony before this Court and my question to you is  
4 this: Do you know whether those attackers used any other thing to beat your  
5 grandfather? Did they use sticks? Did they kick him?

6 A. I did not see all that. I only saw them beating him with the butts of their  
7 weapons.

8 Q. Thank you.

9 JUDGE ALUOCH: Can I just ask a follow-up question to that? Madam Witness,  
10 from where you were, could you see what was going on with your father, or  
11 grandfather? On that day, could you see? Thank you.

12 THE WITNESS: (Interpretation) I did not quite understand the question.

13 JUDGE ALUOCH: Okay, I'll repeat it. You said they beat him with the butt of the  
14 gun or something, with their rifles or something, butts of their rifles. I'm just asking  
15 you if you could see what was going on with him? What they were doing to him,  
16 could you see it directly? That's all I want to find out for the sake of the Chamber.  
17 Thank you.

18 THE WITNESS: (Interpretation) Yes, I was looking at all that was happening.  
19 They took him out from the sitting room and outside they beat him with the butts of  
20 their weapons.

21 MR KILOLO: (Interpretation) Thank you.

22 Q. Madam Witness, before my next question I will read out to you another excerpt  
23 of your testimony before this Court, and I'm referring to the real-time French  
24 transcript of 2 February 2011, document number T-58, page 27, lines 5 to 7. The  
25 question that was put to you was this: "Madam Witness, apart from you and your

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1 sisters, did the Banyamulengue rape anyone else in your neighbourhood?" Your  
2 answer was: "Yes, many people."

3 My question to you is this: Did you actually witness those rapes?

4 A. There were acts of violence against people and those people talked about those  
5 acts. If it were you, if you were stabbed and you talked to it and you talk about it to  
6 others, then those others will take it into consideration.

7 Q. Are we to understand that you were not a witness to those acts?

8 A. I did not see all those acts, but the victims are people that I know and they  
9 talked about what had happened. That is how come I can also talk about it today.

10 Q. When did you get to know this information?

11 A. I did not understand your question.

12 Q. When did you become aware that other people were allegedly raped by the  
13 Banyamulengue?

14 A. But their acts were known to everyone. This was public knowledge. People  
15 talked about those acts and that is how come I heard about them. I am a victim of  
16 those acts, so were the others, and those people spoke about what had happened and  
17 that is how come I'm able to talk about it, too.

18 Q. Are we to understand that the Banyamulengue who abused your family abused  
19 another family?

20 A. They were indiscriminate when carrying out their activities. They assaulted  
21 everyone. They were the only people who had any power in the neighbourhood.  
22 There was no one else who came from other neighbourhoods to perpetrate such acts;  
23 they were Banyamulengue, and that is what I saw.

24 PRESIDING JUDGE STEINER: When she finishes an answer, please wait a little bit  
25 before starting another question.

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1 MR KILOLO: (Interpretation) Thank you, Madam President.

2 Q. Madam Witness, I will rephrase my question. Did the group of

3 Banyamulengue which abused your family also abuse another family?

4 A. I'm not God to be able to know all that. We could not follow them around to  
5 see what they were doing to other people. The acts of violence that they perpetrated  
6 against us were repeated against other people and those other people talked about it.  
7 We could not follow them around to know everything that they were doing.

8 Q. Does this mean that you have no idea about all that?

9 A. If I say something, it is important for you to pay attention so as to understand  
10 what I'm saying. I said that after raping me, they went away. I could not go after  
11 them to understand or to see what they were doing to others. It is important for you  
12 to pay attention so as to understand what I'm saying. It was the victims who came  
13 and told me what had happened to them and I also told them that I had been a victim.  
14 That is all I can say.

15 Q. Thank you very much.

16 (Defence counsel confer)

17 MR KILOLO: (Interpretation) Madam President, I would like to read out a brief  
18 excerpt in private session before continuing with a series of questions.

19 PRESIDING JUDGE STEINER: Let's go into private session.

20 \*(Private session at 11.50 a.m.) Reclassified as Open session

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

22 MR KILOLO: (Interpretation) Madam President, I will now read out an excerpt  
23 from yesterday's transcript. It is the edited French version, document number T-59,  
24 page 16, lines 17 to 26. Personally, I cannot see anything confidential in that excerpt  
25 but considering the concerns raised by the OTP regarding (Redacted)

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1 (Redacted) in Bangui I would like to read this excerpt in private session.

2 Q. Madam Witness, I will read out to you a question that I put to you and,  
3 specifically, the answer that you gave to me, and this was yesterday. My question  
4 was this: "Madam Witness, we are in private session which means that your  
5 testimony will not be heard by the public. Can you tell me where in the Central  
6 African Republic you were interviewed?" Your answer: "We met (Redacted)  
7 (Redacted)." My question: "Which (Redacted)?" Your answer: "(Redacted)."  
8 Let me now ask you a series of questions about the answer that you gave to me  
9 yesterday.

10 MR KILOLO: (Interpretation) And, Madam President, we can go back into open  
11 session.

12 PRESIDING JUDGE STEINER: Court officer, please.

13 (Open session at 11.53 a.m.)

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

15 PRESIDING JUDGE STEINER: Madam Witness, we are now in open session so you  
16 can answer to the questions of the Defence counsel but please don't mention any  
17 names. If need be, we go back into private session. Do you understand that,  
18 Madam?

19 THE WITNESS: (Interpretation) Yes.

20 MR KILOLO: (Interpretation)

21 Q. Madam Witness, do you know who is Madam Bernadette Sayo?

22 A. Yes, I know her.

23 Q. Can you tell us how you got to know her?

24 A. Please, can you repeat your question?

25 Q. Can you tell the Court who Madam Bernadette Sayo is?

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1 A. We held our NGO meetings in her office.

2 Q. Can you tell me what his (sic) role in the NGO was?

3 A. Excuse me, but I'm going to give you a comprehensive answer. She acted  
4 correctly. The Banyamulengues had killed her husband. She was angry; that is  
5 why she set up the NGO. All of us victims were mobilised to seek justice and we are  
6 determined to come here to tell the Judges the truth.

7 Q. Do you know the name of the NGO?

8 A. I no longer remember.

9 Q. Would that be OCODEFAD? OCODEFAD?

10 A. Yes.

11 Q. Thank you. When you say that she decided to help you, that you were  
12 mobilised, you said "we." And who were these people, the "we"? Who were the  
13 people with you?

14 A. I was in the NGO with my grandfather, my grandmother, as well as the  
15 younger sister to my mother.

16 Q. Thank you. Do you know (Redacted)?

17 PRESIDING JUDGE STEINER: Maître Kilolo, before that I want to go into private  
18 session, please.

19 \*(Private session at 11.59 a.m.) Reclassified as Open session

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

21 PRESIDING JUDGE STEINER: Thank you. Maître Kilolo can repeat the question,  
22 please.

23 MR KILOLO: (Interpretation)

24 Q. Madam Witness, do you know (Redacted)

25 (Redacted)?

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1 A. He did the same sort of work there that he came to do here.

2 Q. Could you tell us what kind of work that is?

3 A. What do you want me to tell you about his work? I've already answered that  
4 question. If he had no other role, what do you want me to tell you? Do you want  
5 me to lie or what?

6 Q. Thank you. Perhaps I put that question somewhat clumsily. (Redacted)  
7 (Redacted)

8 A. When the NGO was established we were informed of the fact, given what had  
9 happened to us, we couldn't stay behind. We decided to join the NGO and that is  
10 how we met the members of the NGO and Madam Sayo.

11 MR KILOLO: (Interpretation) Your Honour, can we move into open session?

12 PRESIDING JUDGE STEINER: Court officer, please.

13 (Open session at 12.02 p.m.)

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

15 MR KILOLO: (Interpretation)

16 Q. Witness, when you say, "we were mobilised in OCODEFAD," when you say  
17 "we," are you referring to the victims?

18 A. Yes. The victims of the atrocities, it's those victims who went there. Not all  
19 the victims of Bangui decided to join Madam Sayo's NGO.

20 Q. The victims that decided to join OCODEFAD, were they only the victims of the  
21 Banyamulengue?

22 A. In your opinion, who are the other victims who joined the NGO? The  
23 Banyamulengue acted like real criminals. You should note how they behaved  
24 towards human beings. If you had been a victim of these Banyamulengue, would  
25 you be able to stand up here and speak to people?

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1 Q. Within OCODEFAD, were there also victims of Miskine?

2 A. I haven't got an answer to that question. I've told you about what I saw.

3 Q. Thank you. In OCODEFAD, were there also victims of Bozizé's rebels?

4 A. For what reason should I go and control -- or check on other victims to see  
5 whether there were Banyamulengue victims or Bozizé's victims? All I had to do was  
6 concern myself with my own case.

7 Q. You said that you were provided with information on the establishment of  
8 OCODEFAD. You were informed of its establishment. How were the victims  
9 recruited?

10 A. If you want to go to the NGO, do you have to shout this out loud to say that you  
11 are a member of the NGO? We joined the NGO because of what had happened to us.  
12 We'd been informed of its establishment over the radio. Is one to shut out aloud that  
13 one is a member of this NGO? We joined because of what had happened and in  
14 order to come here and to soothe our anger.

15 Q. The announcements made in order to recruit victims that were heard over the  
16 radio, were they given on the Ndeke Luka radio station, the Central African radio  
17 station?

18 A. I'm not here to check what is said on the Bangui radio stations. Was it the  
19 Ndeleka (phon) radio station, Ndeke Luka station, RME radio station or the Bangui  
20 radio station? I'm not here to verify all these matters.

21 Q. What did you hear personally about what was said over the radio in order to  
22 recruit victims for OCODEFAD?

23 A. I now understand your question. Those were broadcast on the radio and, after  
24 I was informed about the fact, was I to shout out that the Banyamulengue had slept  
25 with me? We went towards that NGO. How was I to behave? I don't like these

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1 sorts of questions. Please don't ask me such questions.

2 Q. The public announcements made over the radio, did these announcements state  
3 that OCODEFAD wanted to assemble all the victims?

4 A. If you want to speak about all the victims, you'll have all the Bangui population  
5 here to tell you about the events, to tell you about what happened to them.

6 THE INTERPRETER: The Sango booth would like to ask the witness to speak more  
7 slowly.

8 THE WITNESS: (Interpretation) There is nothing I have to add. I have said  
9 everything.

10 PRESIDING JUDGE STEINER: I'm sorry to interrupt you but, again, the interpreter  
11 is asking you, please, to speak slowly. The Sango interpreter is having difficulties in  
12 translating what you say, so please speak slowly. Thank you very much.

13 Maître Kilolo.

14 MR KILOLO: (Interpretation) Thank you, your Honour.

15 Q. Witness, did OCODEFAD provide you with assistance of any kind?

16 A. They provided us with assistance.

17 Q. Did you receive rice and other provisions?

18 A. Yes.

19 Q. Did the government assist OCODEFAD when it came to financing the purchase  
20 of these provisions for victims?

21 MS KNEUER: Madam President, I doubt that this witness is capable to answer that.  
22 She's a witness of fact. How could she possibly know with 11 years what the  
23 government is providing to OCODEFAD?

24 PRESIDING JUDGE STEINER: Maître Liriss.

25 MR LIRISS: (Interpretation) Your Honour, OCODEFAD wasn't created or

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1 established when she was 11. She was recruited by OCODEFAD. She went to their  
2 meetings. She participated in all their demonstrations and she was later still a  
3 member of OCODEFAD, and even before she was heard -- or interviewed, she was a  
4 member.

5 The question now is, as far as she knows, to the best of her knowledge, did the  
6 government provide assistance of any kind and she is quite capable of answering that.  
7 Thank you.

8 PRESIDING JUDGE STEINER: Maybe if Mr Kilolo adds to his question "as far as  
9 you know" or "to the best of your knowledge."

10 MR KILOLO: (Interpretation) Thank you, your Honour.

11 Q. Witness, to the extent that you are aware of this fact, could you tell us whether  
12 the government provided support and assistance to OCODEFAD in order to make it  
13 possible for OCODEFAD to buy provisions for the victims?

14 A. Yes, the government provided some assistance.

15 Q. Are you referring to the government of the current President Bozizé?

16 A. Yes, Bozizé's government.

17 Q. Did you also receive a little money in CFA francs or in dollars from  
18 OCODEFAD?

19 A. We were provided with semolina rice and a little oil and a little money to assist  
20 us.

21 Q. Do you know why OCODEFAD gave you a little money to help you?

22 A. I don't know how to answer that question.

23 Q. How much money did you receive? You speak about a little money, but how  
24 much did you receive?

25 A. I was given some money so that I could feed myself. How do you want me to

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1 tell you how much I received? I can't tell you how much. It was a small amount of  
2 money. It wasn't millions. 2,000/3,000. Do you want -- do you want me to tell  
3 you that I received 500 francs?

4 PRESIDING JUDGE STEINER: Maître Zarambaud.

5 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. In fact, as we said a  
6 minute ago, the witness is speaking quite fast and as a result it's not possible for the  
7 interpreters to interpret everything but she completed her sentence by saying, "They  
8 gave me 500 francs." That is how she ended her answer.

9 PRESIDING JUDGE STEINER: Thank you, Mr Zarambaud. Would the  
10 Defence like to confirm for the record the amount of money that apparently the  
11 witness mentioned she received?

12 (Defence counsel confer)

13 MR KILOLO: (Interpretation)

14 Q. Witness, I don't want to go into the details concerning the amount of money that  
15 you may have received. I'll satisfy myself with the answer that you provided when  
16 you said that you received a little money.

17 PRESIDING JUDGE STEINER: Judge Ozaki.

18 JUDGE OZAKI: Madam Witness, I have one follow-up question. When you  
19 mentioned francs, for example when you mentioned "They gave me 500 francs," is  
20 this franc French francs, or is there any currency like a Central African franc, or  
21 something? By "franc," what do you mean? Thank you.

22 THE WITNESS: (Interpretation) I'm talking about the Central African currency.

23 JUDGE OZAKI: Thank you.

24 PRESIDING JUDGE STEINER: Maître Kilolo.

25 MR KILOLO: (Interpretation) Thank you, your Honour.

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1 Q. Madam Witness, in order to clarify the matter, since we're dealing with figures,  
2 you mentioned 2,000 or 3,000 francs. What sort of an amount is this, in fact?

3 A. You asked me to tell you the amount I received from OCODEFAD. That's why  
4 I answered by saying that the 2,000 or 3,000 francs I was given -- well, do you want  
5 me to tell you how much in fact I received? That's what I said and I added that I had  
6 received 500 francs.

7 Q. Witness, do you feel gratitude because Bozizé's government and OCODEFAD  
8 provided you with this form of assistance?

9 A. Yes, I'm grateful for that.

10 Q. Are you now in a position to make any statements that might be detrimental to  
11 OCODEFAD's interests?

12 A. This NGO hasn't done anything bad. They've done good things for us.

13 Q. Thank you very much. Are you in a position today to provide the Chamber  
14 with statements that might harm the interests of President Bozizé?

15 A. Could you please explain your question to me so that I can answer it?

16 Q. Madam Witness, are you today in a position to provide the Chamber with  
17 information that might harm Bozizé's government which provided you with  
18 assistance through the intermediary of OCODEFAD?

19 A. Bozizé never committed harmful acts against the population. He didn't harm  
20 the population. He fed people, paid salaries regularly, so I can't tell lies about him.

21 Q. When you say that he fed you, are you referring to the money received through  
22 OCODEFAD? Are you referring to the rice received?

23 A. No, I'm not referring to that. I provided you this answer in relation to the  
24 question that you put to me.

25 Q. Witness, do you know that Maman Bernadette Sayo is a person who plays an

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1 important role in Bozizé's government?

2 A. I haven't quite understood your question.

3 Q. I'll rephrase it. Are you aware of the position held by Madam Bernadette Sayo  
4 in Bozizé's government; Madam Bernadette Sayo who is an official from  
5 OCODEFAD?

6 A. The work she does consists of taking care of us orphans.

7 Q. Do you know whether she is a minister in your country's government?

8 A. I'm not aware of that. All I know is what I have just told you. I'm not here to  
9 verify everything that happens in the Central African Republic.

10 Q. Are you familiar with her relationship with President Bozizé?

11 A. I don't live in the same house as she does, so how could I know what sort of  
12 links she has to President Bozizé? I can't know that.

13 Q. Thank you. Has Mama Sayo already contacted you over the telephone, or  
14 through some other means of communication?

15 A. We have already met, and I know that when we met she said nothing bad to me.  
16 She only gave me advice. So I can't tell lies. As for all the other details, well, I  
17 know nothing. I have told you everything I know.

18 Q. What sort of advice did she give to you?

19 A. She gave us advice that concerned the acts of violence committed by the  
20 Banyamulengue against us. \* She told us to calm down and said that one day God  
21 would take care of us and that is why I am here speaking about these events now.

22 Q. Did she say that it was the Banyamulengue who had committed all these acts of  
23 violence in Bangui?

24 A. She couldn't tell me that. The Banyamulengue killed her husband and her  
25 husband left her with her children. Who could take care of her children? So she

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1 was also a victim. She suffers from the consequences of those events. I know that I  
2 was still a child at the time, but I still remember certain events. As for the other  
3 events, I can't remember. I can't talk about them.

4 THE INTERPRETER: The Sango booth notes that the witness is speaking too fast.

5 PRESIDING JUDGE STEINER: Madam Witness, I'm really sorry, but I have again to  
6 ask you please to speak slowly. Our very dedicated Sango interpreter is having  
7 difficulties in following you, so please slow down a little bit. Thank you very much.

8 MR KILOLO: (Interpretation)

9 Q. Witness, did Madam Sayo tell you about the investigations the OTP had carried  
10 out into serious crimes?

11 A. I haven't really understood your question.

12 Q. Did Madam Sayo tell you that the ICC's OTP was responsible for investigating  
13 the crimes committed in Bangui?

14 A. Yes, she spoke to us about it.

15 Q. And did she also tell you that the OTP had the mission of prosecuting those  
16 responsible for the crimes perpetrated in Bangui?

17 A. I haven't understood your question.

18 Q. Did Madam Sayo tell you that the Office of the Prosecutor had a mandate to go  
19 after the people who were responsible for the crimes that occurred in Bangui?

20 A. Yes, she talked to us about that.

21 Q. Did she also tell you that when these people responsible will be brought before  
22 the courts, that you will receive compensation for all your losses?

23 A. She did not talk to us about compensation. We came here to talk about what  
24 we experienced; we did not come to ask for any kind of compensation.

25 Q. With regard to what you experienced, did Ms Sayo speak to you about the

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1 people who were responsible for the crimes that occurred in Bangui?

2 A. You're talking about conversations, about talking? What conversations?

3 Could you please put your question more clearly so I can understand?

4 Q. Now, when she was giving you this advice, did she provide the names of any  
5 people responsible for the crimes that occurred in Bangui; perhaps President Bozizé?

6 A. I have no idea.

7 Q. Witness, in your application to participate as a victim in these hearings, and

8 I am making reference to document CAR-a/2413/10 of 7 September 2010, page 10.

9 On this form, the question is asked: "According to you, who is responsible for the  
10 event or the events?" And your reply was: "Bemba's troops." Did you talk to  
11 Madam Sayo about this?

12 A. Yes, we did talk about that.

13 Q. Did Ms Sayo confirm to you that it was Bemba's troops who apparently were  
14 responsible for all the acts of violence and the abuse that occurred in Bangui?

15 A. I haven't understood your question.

16 Q. Other than Mama Sayo - and I'll ask you not to give the names of your family or  
17 people close to you - now, other than her, who else might have said to you that the  
18 people responsible for the acts of violence and abuse in Bangui were Bemba's troops  
19 or might have been the troops of Bemba?

20 A. If the Banyamulengue had not come to do what they did, we wouldn't have lied  
21 on their behalf; we would have just related what they did. We can't lie. If they  
22 hadn't come from the other side of the river to mistreat the population, no one would  
23 lie on their behalf. We are just telling you what they actually did.

24 Q. Thank you. Now, you're speaking in the plural. You're saying, "we could not  
25 lie." Are you talking about all the victims who belonged to OCODEFAD?

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1 A. You have to ask me the question and I am the one giving the answer. You can't  
2 ask me questions about other people.

3 Q. Thank you. How many times did you personally meet with Madam Sayo?

4 A. I'm not in a position to tell you how many times. We would meet at the offices  
5 of OCODEFAD. I couldn't tell you that I went on this particular day or I went the  
6 next day; I can't tell you how many times I went to the OCODEFAD meetings.  
7 I can't count the number of times.

8 Q. Could you at least specify how many people would meet with Ms Sayo, in  
9 approximate terms?

10 A. I couldn't give you the number here. I didn't go there to count the number of  
11 people, of participants, I went there just to talk about my own particular case, not to  
12 count the number of people. If I had gone there to count the number of people  
13 present, perhaps today I wouldn't be here. I still would be in Bangui counting the  
14 number of people attending the meeting.

15 Q. Now, by that do you mean that there were many people?

16 A. If the Banyamulengue had not mistreated people, I wouldn't have been going to  
17 meetings to talk about what they had done. People met to thank God, to ask God to  
18 free us from these Banyamulengue. We believed in God and God is helping us.

19 PRESIDING JUDGE STEINER: I'm sorry, Maître Kilolo. Maybe a follow-up  
20 question to the witness: I think what the Defence wants to know, Madam, is  
21 whether the group of victims was a big group or a small group. Of course you don't  
22 know the numbers, but was it big or a small group of persons?

23 THE WITNESS: (Interpretation) There were many people.

24 PRESIDING JUDGE STEINER: Thank you very much. Judge Aluoch.

25 JUDGE ALUOCH: Sorry. Madam Witness, for the days that you went for those

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1 meetings, would you say there were 20 people, 30, 50 or -- I think that's what the  
2 Defence is trying to find from you; for those days that you went, whether it was one  
3 day, two days, three days.

4 THE WITNESS: (Interpretation) We did not go regularly to the meetings. We  
5 might have gone three times per month and there were many people there.

6 MR KILOLO: (Interpretation)

7 Q. Madam Witness, could you tell the Court who was leading all these meetings?

8 A. At first, I didn't know. I would go to the meetings that were held at the home  
9 of Mrs Sayo.

10 Q. Do you mean that Mrs Sayo was leading these meetings?

11 A. The meetings were held at her place. Well, not in her home but in the office  
12 that is along the side of the road.

13 Q. When was the last time you were in contact with Mrs Sayo?

14 A. We don't meet as we did in the past. After I got my husband back, I didn't go  
15 to the meetings as I used to in the past.

16 Q. Was that about six months ago, perhaps?

17 A. No.

18 Q. Two or three months ago?

19 A. No.

20 Q. Did you see her just before your trip?

21 A. I didn't see her.

22 Q. Did she encourage you to come here to The Hague?

23 A. She wasn't the one who encouraged me to come here. It was God's plan. God  
24 does not abandon orphans. God wanted me to come here to give testimony before  
25 this Court.

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1 Q. The last time that she -- that you met her, did she encourage you to continue  
2 with what you refer to as "God's plan"?

3 A. It wasn't even her who encouraged me. I am saying this. No one told me to  
4 come here and say one particular thing or another.

5 Q. What did she tell you exactly the last time you met with her?

6 A. She said nothing to me. She said nothing to me. During our meetings we  
7 would think back to what had happened to us and we would reflect.

8 Q. Do you feel that you have been authorised to say today what you might have  
9 been talking about, what you might have been talking about with Mrs Sayo?

10 A. You've asked me questions and I've answered. I told you that we only talked  
11 about what the Banyamulengue had done to us. We did not talk about other things.

12 PRESIDING JUDGE STEINER: Maître Kilolo, I think it's enough.

13 MR KILOLO: (Interpretation) Thank you, your Honour.

14 Q. Witness, are you familiar with (Redacted)?

15 A. No, I don't know. I can't answer that question.

16 Q. Witness, have you previously met with the Prosecutor of the ICC,  
17 Mr Moreno-Ocampo, in Bangui?

18 A. I really don't know what to tell you. I don't have an answer for you. I  
19 understand nothing of what you're saying to me.

20 Q. Now, you said that you met with investigators from the ICC in Bangui. Have  
21 you previously, in any particular place, met with the Prosecutor of the ICC at any  
22 particular place?

23 A. No, we have not met. You have to be very clear in your questions so that I can  
24 understand. You are talking in circles and I -- you're not clear. How can I  
25 understand what you are saying to me?

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1 Q. Witness, the Prosecutor of the Court had to have a meeting in Bangui that  
2 brought together many victims. Were you present at that meeting?

3 A. I was present. I was -- if I was there, well, I couldn't be here in order to testify.

4 Q. What did he tell you exactly?

5 A. He said nothing to us. We were seven, there were seven of us, and we  
6 explained what had happened to us. We had been subjected to atrocities, and he  
7 came and we explained to him what had happened to us because we wanted to  
8 have -- we wanted to get these things off our chest. We wanted peace in our hearts.

9 Q. Did he promise to arrest, or to put into prison, the guilty parties or did he  
10 promise to bring the guilty parties to justice?

11 A. What promise are you talking about?

12 Q. Did the Prosecutor say to you that the guilty parties would be arrested?

13 A. Those were the perpetrators. If they weren't guilty, they wouldn't be arrested.  
14 If they were innocent, they wouldn't be arrested without any valid reason. Now, on  
15 your side, if you were a victim of what happened, you wouldn't be standing up in  
16 front of the Court to say what you are saying.

17 Q. Please be assured, Ma'am, that I do understand the situation that you're in. My  
18 question - my specific question - is whether the Prosecutor said to you that he would  
19 arrest the guilty parties so that they could be brought to justice.

20 A. He told us that, and we agreed to come here in order to give evidence in the  
21 presence of the perpetrator.

22 Q. Did he give you the name of the perpetrator at that time, this person that you  
23 speak of?

24 A. No, he didn't give us the name of anyone. We were the victims. If we hadn't  
25 been mistreated by the Banyamulengue, well, I wouldn't have given the name of the

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1 Banyamulengue. I was the one speaking of them because I was the victim of them.

2 Q. You speak about coming here and giving testimony in the presence of the  
3 perpetrator. Which perpetrator, which person are you speaking of?

4 A. I haven't understood your question because it is full of -- please be more specific  
5 and I will answer. It's full of all sort of hidden assumptions.

6 Q. On page 54, line 10, 12, real-time transcript, you said, "We have come here to  
7 give testimony in the presence of the perpetrator." Which perpetrator are you  
8 speaking of?

9 A. The Banyamulengue, they were the ones, they were the perpetrators of so many  
10 things, and I've come here to give testimony before the Judges about what the  
11 Banyamulengue did.

12 Q. Do you know if the Bozizé government is aware of what you are stating here in  
13 this courtroom?

14 A. I haven't understood your question.

15 Q. Do you know whether the government of Mr Bozizé is aware of the testimony  
16 that you are currently giving here in this hearing room?

17 A. I don't understand. I was the one who was supposed to reveal. How -- I  
18 came here to give testimony myself. Who, who could go say to the government that  
19 I'm here to give testimony?

20 Q. Last question: Who helped you fill out your application to take part in the  
21 hearings?

22 A. Be more clear, please. Don't ask me these questions with all kinds of -- and  
23 hint at all kinds of things.

24 MR KILOLO: (Interpretation) Your Honour, could the court officer put -- provide  
25 a hard copy to the witness so that she can actually see what I'm talking about?

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1 Q. Witness, you can take a moment to leaf through the document so that you can  
2 properly understand what I'm talking to you about. On page 13 of this document,  
3 there is a section and the question is asked, "Information about the person who  
4 helped you fill out this form," and we see that this part has not been filled out.  
5 There's no name. However, you did sign at the very bottom of this page. Did you  
6 fill out this form yourself?

7 A. Yes, I did it myself.

8 Q. My specific question is whether you were the person who actually personally  
9 wrote down the answers, who filled out the form, all the pages of the form?

10 A. I haven't understood the question. The question seems a bit complicated. I  
11 haven't understood it properly.

12 MR KILOLO: (Interpretation) Your Honour, could we have five more minutes  
13 since this is the last question?

14 PRESIDING JUDGE STEINER: I have to ask the interpreters about that.

15 THE INTERPRETER: Message from the interpreters: We can keep on going for a  
16 little while yet. Message from the interpreters: We can continue for a little while  
17 longer, yes.

18 PRESIDING JUDGE STEINER: Maître Kilolo, if it is really your last question, the  
19 interpreters are willing to complete.

20 MR KILOLO: (Interpretation) Thank you, Madam President, for your indulgence.

21 Q. Madam Witness, we are not disputing the signature. You have already  
22 admitted that it is your signature. My question is this: The handwriting on the  
23 form, did you yourself write down the information contained in this document?  
24 Maybe the court officer can show her what we are talking about; the handwriting on  
25 the document, particularly on page 13 which is the same on all the other pages.

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1 A. I can see the handwriting, but the problem is that you were not clear about the  
2 question. I told you that I am illiterate. I cannot understand what you are saying.  
3 Are you referring to the passport, or what? You have to be really clear to enable me  
4 to understand.

5 MR KILOLO: (Interpretation) Madam President, would it be possible for the court  
6 officer to show her all the other pages, everything that is handwritten, so that she  
7 should understand what we are talking about?

8 PRESIDING JUDGE STEINER: Maître Kilolo, she just said that she is illiterate. If  
9 you have a follow-up question it's fine, but are you insisting in whether she -- I don't  
10 understand your question as well.

11 MR KILOLO: (Interpretation)

12 Q. Madam Witness, the question is to know who assisted you? Who wrote down  
13 the information contained in this document?

14 A. It was the members of the legal team here. It was not Madam Sayo.  
15 Given -- well, I really did not understand the question that you asked me. I want  
16 you to be more specific and, if you are not, then I wouldn't know how to answer.  
17 The document in front of me, if I myself was not there who would have signed it? I  
18 signed that document myself, so I assume responsibility for that signature. I have  
19 nothing else to say about that document, because you have really disturbed me a lot  
20 about this document. I can't give you any further answers.

21 MR KILOLO: (Interpretation) That concludes the cross-examination of the Defence.  
22 Thank you for your collaboration and, on behalf of the Defence, we wish you a safe  
23 trip back. Thank you.

24 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo. I'm informed that the  
25 Prosecution intends to re-direct, so we are going to suspend our hearing now.

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1 Madam Witness, you will have some time to have lunch and to rest a little bit. We  
2 will have now a longer break. We'll be back in this courtroom at 2.30 in the  
3 afternoon.

4 I'm asking the court officer, please, to turn into closed session in order for the witness  
5 to be taken outside the courtroom, and in the meantime we are suspending the  
6 hearing and we'll resume at 2.30 in the afternoon.

7 \*(Closed session at 1.07 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 (Luncheon recess taken at 1.07 p.m.)

12 \*(Upon resuming in closed session at 2.35 p.m.) Reclassified as Open session

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

14 PRESIDING JUDGE STEINER: Good afternoon. Could, please, the court usher  
15 introduce the witness in the courtroom.

16 (The witness enters the courtroom)

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

18 (Open session at 2.37 p.m.)

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

20 PRESIDING JUDGE STEINER: Thank you. Madam Witness, welcome back to this  
21 courtroom.

22 THE WITNESS: (Interpretation) Thank you, Madam President.

23 PRESIDING JUDGE STEINER: Did you have lunch and an opportunity to rest a  
24 little bit?

25 THE WITNESS: (Interpretation) Yes, I had lunch, and I rested well.

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1 PRESIDING JUDGE STEINER: We are coming almost to the end of your testimony  
2 but, before that, the Prosecution still has some questions to put to you. Are you  
3 ready to continue, Madam?

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

5 PRESIDING JUDGE STEINER: Thank you very much. Mr Bifwoli.

6 MR BIFWOLI: Thank you, Madam President, your Honours.

7 QUESTIONED BY MR BIFWOLI:

8 Q. Madam Witness, I'm going to be very brief. In fact, I have only one  
9 clarification to seek from you and it's going to be very, very brief and we will be  
10 through with our examination of you. Now, Madam President, your Honours, for  
11 this clarification I request that we go into closed session.

12 PRESIDING JUDGE STEINER: Court officer, please.

13 \*(Private session at 2.39 p.m.) Reclassified as Open session

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

15 PRESIDING JUDGE STEINER: Sorry, I meant private session. Mr Bifwoli.

16 MR BIFWOLI: Thank you, Madam President, your Honours.

17 Q. Madam Witness, I'm going to ask you to clarify something because at page 19,  
18 lines 1 to 8, of the unedited transcript of 3 February 2011, in answer to Defence  
19 counsel's question, and I quote the question that the Defence counsel put to you:  
20 "Can you tell us where in the Central African Republic were you interviewed?" You  
21 responded by saying, "We met in (Redacted)."  
22 Now, it is not clear from the record which specific ICC group met you at (Redacted)  
23 (Redacted) because you have been shown different documents by the Defence counsel  
24 which mentions different white women from the ICC. So, Madam Witness, I am  
25 going to show you one document and then I'll ask you a question. Madam President,

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1 your Honours, I would like to show the witness the victim's application form, which  
2 is ICC-01/05-01/08-954-Conf-Anx-372. With your kind permission, Madam President,  
3 I would like the court officer to show a hard copy to the witness.

4 Now, Madam Witness, I would like you to have a look at that form which you've  
5 already looked at, it's your victim application form; can you confirm that?

6 A. Yes, I can see it.

7 Q. Thank you, Madam Witness. Now, I request you to have a look at the very last  
8 page of that document. I know you've already confirmed to the Court that that is  
9 your signature, but I also want to ask you: Can you see the name there Paolina  
10 Massidda?

11 MR BIFWOLI: Perhaps, Madam President, I will ask the court officer to assist the  
12 witness by pointing out the name that I am referring to.

13 PRESIDING JUDGE STEINER: Are you asking whether (Redacted), Mr Bifwoli?

14 MR BIFWOLI: Thank you, Madam President. I think in view of (Redacted),  
15 Madam President, I think it can be read out to her that the name of Paolina Massidda  
16 appears there.

17 Q. Madam Witness, it's true that the name of Paolina Massidda appears in that  
18 document?

19 A. Yes, I can see it.

20 Q. Thank you, Madam Witness. Now, the reason why I have shown you that  
21 document is because I want to ask this clarification: Where did you meet this lady,  
22 Paolina Massidda, named in this form, to sign this document last year?

23 A. We met in the central town area.

24 Q. Thank you, Madam Witness. And so that the Chamber can really understand,  
25 was it at (Redacted) or at a different location? You don't have to give the

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1 name of the location.

2 PRESIDING JUDGE STEINER: Maître Liriss. This is an unorthodox way of asking  
3 for the floor, Maître.

4 MR LIRISS: (Interpretation) I'm sorry, I apologise, Madam President.

5 PRESIDING JUDGE STEINER: You have the floor.

6 MR LIRISS: (Interpretation) Thank you, Madam President. I stood up suddenly  
7 because I was afraid the witness would answer. It is a leading question. There is  
8 absolutely nothing in this document that concerns (Redacted). It is a document that  
9 concerns Paolina. She replied that it was in the central town area. I don't see what  
10 (Redacted) has to do with this.

11 PRESIDING JUDGE STEINER: Mr Bifwoli, you can rephrase the question, for  
12 instance, asking exactly where this document was filled in.

13 MR BIFWOLI: Thank you, Madam President, your Honours.

14 Q. Can you tell the Court the exact location where this document was filled in?

15 A. I told you a short while ago that it was in the central town area.

16 JUDGE ALUOCH: Mr Bifwoli, the form was completed last year. Maybe you can  
17 ask her was this a place she had been to before or was she going there for the first  
18 time, just where this document was completed. Had she been there before?  
19 Whether it was an office or a house. In that way, I don't think Mr Liriss can  
20 complain it is a leading question.

21 MR BIFWOLI: Thank you, your Honours.

22 Q. This place that you signed the form in, was it an office or a house?

23 A. It was not in an office, it was in a house.

24 Q. Thank you. And whose house was it, do you know?

25 A. No, I have no idea.

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Witness: CAR-OTP-PPPP-0082

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1 Q. Thank you, Madam Witness. And I would also like to show you another  
2 document.

3 Madam President, your Honours, the next document I'm showing the witness is her  
4 own witness statement, which is EVD-T-OTP-00021. The French reference is  
5 CAR-OTP-0037-0067. And I request that the court officer shows the document to the  
6 witness.

7 PRESIDING JUDGE STEINER: It's for the court usher to show the document to the  
8 witness?

9 MR BIFWOLI: Thank you, Madam President. I would like, in view (Redacted)  
10 (Redacted), I request that he shows her the portion that I'm referring her  
11 to.

12 Q. Now, Madam Witness, the document before you is your own statement you  
13 recorded with the Office of the Prosecutor, and on the second page - the court usher  
14 will show you the specific place - it's indicated that your interview was taken by one  
15 (Redacted).

16 Please show her this.

17 Now, my question is: Do you recall this name, "(Redacted)"?

18 A. Yes, I remember.

19 Q. And do you also recall meeting her at your familiarisation here about two days  
20 ago in The Hague?

21 A. I remember.

22 Q. Now, when (Redacted) obtained this statement from you, where did she record it  
23 from, from which location?

24 A. That was also in the central town area.

25 Q. Thank you, Madam Witness. And can you provide specific details for the

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1 Chamber to know which specific location?

2 A. I did not understand the question.

3 Q. Thank you, Madam Witness. Was it a house, or what kind of building was it?

4 Was it a house or an office, or what was it? Please tell the Court.

5 A. It was a house.

6 MR BIFWOLI: Thank you, Madam Witness, for your answers, and that brings us to

7 the end of the Prosecution's re-examination. And thank you so much, Madam

8 Witness, for cooperating with us. Thank you.

9 PRESIDING JUDGE STEINER: Maître Liriss, any further question in relation to the  
10 last set of questions put by the Prosecution?

11 MR LIRISS: (Interpretation) No, Madam President.

12 PRESIDING JUDGE STEINER: Madam Witness. Court officer, please turn into  
13 public session.

14 (Open session at 2.56 p.m.)

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

16 PRESIDING JUDGE STEINER: Madam Witness, this now concludes your evidence,  
17 your testimony, and before you leave the Court we want to express our thanks to you  
18 for the time and trouble you had to come to this country and to testify before this  
19 Court. In order for the Judges to find the truth, it is critical that witnesses such as  
20 yourself are prepared to give evidence and to assist us on the relevant issues in this  
21 case.

22 We are aware that coming to this Court and giving evidence will certainly have been  
23 inconvenient for you, and possibly it may even have involved some personal risk.

24 You therefore leave us in order to go back home with our thanks but, before you leave,  
25 the Chamber would like to ask you whether you have anything you would like to tell

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1 us. We would like to listen to you if you have anything you want to say. Would  
2 you like to say something, Madam, before you leave the Court?

3 THE WITNESS: (Interpretation) I have nothing to say. I thank you for having  
4 invited me to come here to tell you everything that I had in my mind. Thank you.

5 PRESIDING JUDGE STEINER: We are the ones who thank you, Madam, and we  
6 wish you a very, very calm journey back to your home country. Thank you very  
7 much. I will ask the court officer to turn into closed session in order for the witness  
8 to be taken out of the courtroom.

9 Before we reopen the question -- the session, sorry, we need to have 15 minutes' break  
10 in order to prepare the technological part of the courtroom for the next witness. So  
11 we are going to turn into closed session and we are going to resume in 15 minutes in  
12 order to start with the testimony of Witness 80. Court officer, please.

13 \*(Closed session at 3.01 p.m.) Reclassified as Open session

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

15 (The witness is excused)

16 THE COURT OFFICER: All rise.

17 (Recess taken at 3.02 p.m.)

18 (Upon resuming in open session at 3.16 p.m.)

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

20 THE COURT OFFICER: We are in open session, your Honours.

21 PRESIDING JUDGE STEINER: Thank you. The next witness to testify is Witness  
22 80, for whom the Chamber granted protective measures by oral decision on 20  
23 January 2011 similar to those that were granted for the three previous witnesses.  
24 The Chamber has also yesterday received a psychological assessment from the  
25 Victims and Witnesses Unit psychologist containing recommendations to assist the

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1 witness in giving her evidence, including in-court assistance from a VWU support  
2 assistant, who can sit next to the witness in court, and also the presence of the  
3 psychologist in court to monitor the witness as required. The assessment also makes  
4 similar recommendations as for previous witnesses regarding the manner in which  
5 counsel asks questions, with particular regard to the witness's level of literacy.  
6 The Chamber agrees that the recommendations should be followed, based on the  
7 VWU psychologist's assessment, and so authorises these special measures to be put in  
8 place pursuant to Rule 88 of the Rules of Procedure and Evidence.

9 The Chamber will also now issue a short oral decision on the application to question  
10 Witness 80 by one of the legal representatives of victims, Maître Zarambaud.

11 On 27 January 2011, the Chamber received an application from Maître Zarambaud on  
12 behalf of the victims that he represents to question Witness 80. It is filing 1175,  
13 confidential. The application contains a list of six questions. Having considered  
14 the reasons given by Maître Zarambaud as to why the personal interests of the  
15 victims that he represents are affected, the Chamber allows these proposed questions  
16 contained in the filing to be asked of Witness 80.

17 Now we go briefly into closed session in order for Witness 80 to be brought into the  
18 courtroom. Court officer, please.

19 \*(Closed session at 3.21 p.m.) Reclassified as Open session

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

21 (The witness enters the courtroom)

22 PRESIDING JUDGE STEINER: We can turn into open session, please.

23 (Open session at 3.22 p.m.)

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

25 PRESIDING JUDGE STEINER: Thank you very much. Good afternoon, Madam

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1 Witness.

2 THE WITNESS: (Interpretation) Good afternoon, your Honour.

3 PRESIDING JUDGE STEINER: You are welcome to this Court.

4 THE WITNESS: (Interpretation) Yes.

5 PRESIDING JUDGE STEINER: Madam, before you start giving your testimony  
6 before this Court, the court officer will facilitate you taking the oath by reading out  
7 the words on a printed card and then you can please repeat the wording of the oath.  
8 Court officer, please.

9 THE COURT OFFICER: Yes, Madam President. I solemnly declare that I will  
10 speak the truth, the whole truth and nothing but the truth.

11 PRESIDING JUDGE STEINER: Madam Witness, have you received in Sango the  
12 translation of the wording of the oath?

13 THE WITNESS: (Interpretation) Yes, I have.

14 WITNESS: CAR-OTP-PPPP-0080 (Sworn)

15 (The witness speaks Sango)

16 PRESIDING JUDGE STEINER: Thank you very much, Madam. Madam Witness,  
17 do you understand what the oath means?

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

19 PRESIDING JUDGE STEINER: Do you understand it to mean that you must give  
20 answers to questions asked of you that are true and accurate to the best of your  
21 knowledge?

22 THE WITNESS: (Interpretation) I took the solemn declaration in order to speak the  
23 truth and nothing but the truth.

24 PRESIDING JUDGE STEINER: Thank you, Madam. Madam Witness, as you will  
25 have had explained to you by the Victims and Witnesses Unit during your

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1 familiarisation process when you arrived in The Hague, you will be questioned by the  
2 Prosecution, by the legal representative of victims and by the Defence.

3 The Chamber has put in place some measures to protect you, to protect your identity  
4 from the public, and because of that nobody will mention your name. They are  
5 going to call you "Madam Witness," or "Witness 80". Your face and your image that  
6 is broadcast outside the courtroom will be distorted, so that you cannot be identified  
7 by your voice or by your face. You also have a support person sitting at your side.

8 Because we speak different languages there is interpretation so that we can  
9 understand each other, but because of this it is important that you speak slower than  
10 normal, the same way I'm speaking to you now, very slowly, so that the interpreters  
11 can do their job. Sometimes it's natural if you start speeding up, but then I will have  
12 to interrupt you and ask you to slow down. Please don't take offence and this  
13 should not discourage you from speaking. It's for practical reasons that we have to  
14 speak so slowly. Do you understand that, Madam?

15 THE WITNESS: (Interpretation) I understand perfectly.

16 PRESIDING JUDGE STEINER: I will now put some, a few questions to you.

17 Madam Witness, have you been given the opportunity to read or have read to you the  
18 statement or statements that you made to the Court?

19 THE WITNESS: (Interpretation) Yes, I did have that opportunity.

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

22 THE WITNESS: (Interpretation) Yes, I did so voluntarily.

23 PRESIDING JUDGE STEINER: The information you provided in your statement or  
24 statements, is it true and accurate to the best of your knowledge and understanding?

25 THE WITNESS: (Interpretation) Yes, those are my statements. They are correct

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1 and accurate.

2 PRESIDING JUDGE STEINER: Thank you, Madam. The Prosecution will start  
3 questioning you now and before that we want you to know that if you feel tired or  
4 distressed or, for any reason, you need a break just let us know and you will have as  
5 many breaks as you want.

6 THE WITNESS: (Interpretation) I understand.

7 PRESIDING JUDGE STEINER: Mr Bifwoli, please.

8 MR BIFWOLI: Thank you, Madam President, your Honours.

9 QUESTIONED BY MR BIFWOLI:

10 Q. Good afternoon, Madam Witness.

11 A. Good afternoon, Mr Prosecutor.

12 Q. Madam Witness. My name is Thomas Bifwoli and I represent the Prosecution.  
13 Thank you very much for your presence today. Before I proceed, I want to inform  
14 you that I'll put questions to you in English which will then be translated into Sango  
15 for you, and vice-versa for me. We will both need to speak slowly and into the  
16 microphone and try to pace ourselves so as to allow the interpreters to interpret into  
17 both English and Sango. Do you understand?

18 A. I understand.

19 Q. Thank you, Madam Witness. I will ask you some questions regarding your  
20 experience during the 2002 to 2003 conflict in the Central African Republic. During  
21 the questioning, I will ask you different types of questions; these may include  
22 "When?", "Why?" and "How do you know?" questions. Please do not take offence if  
23 you are asked these questions. It is important for the Court to understand the basis  
24 of your knowledge of the facts. Do you understand?

25 A. I understand perfectly.

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1 Q. Thank you, Madam Witness. If there are any questions that you wish to ask or  
2 questions which you do not understand, please ask me to repeat or rephrase and I  
3 will do so. Please feel free also to clarify issues and to ask if you don't understand  
4 any aspect of the proceedings. If you don't know the answer to any question, please  
5 say so or just say "I don't know." It is okay if there are some things that you do not  
6 know or you do not remember. Do you understand?

7 A. I understand perfectly.

8 Q. If at any time you need a break, as Madam President has already mentioned to  
9 you, please let the Chamber know and you will be given as many breaks as may be  
10 necessary.

11 MR BIFWOLI: Madam President, your Honours, I request that we move into private  
12 session so that I can ask questions regarding the witness's identity.

13 PRESIDING JUDGE STEINER: Court officer, please.

14 \*(Private session at 3.38 p.m.) Reclassified as Open session

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

16 PRESIDING JUDGE STEINER: Madam Witness, when we are in private session,  
17 you feel free to speak. You can mention names, you can give the information asked  
18 by the counsel because nobody outside the courtroom can hear you. Do you  
19 understand that, Madam?

20 THE WITNESS: (Interpretation) I understand you perfectly.

21 PRESIDING JUDGE STEINER: Mr Bifwoli.

22 MR BIFWOLI: Thank you, Madam President, your Honours.

23 Q. Madam Witness, as Madam President has pointed out, we are now in private  
24 session and, please, feel free to talk because this information will not get out of this  
25 courtroom. Now, at this point I'm going to start asking you questions. Madam

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- 1 Witness, what is your full name?
- 2 A. My name is (Redacted).
- 3 Q. What is your father's name?
- 4 A. My father's name is (Redacted).
- 5 Q. What is your mother's name?
- 6 A. My mother's name is (Redacted).
- 7 Q. Where were you born?
- 8 A. I was born in (Redacted).
- 9 Q. What is your date of birth?
- 10 A. I was born on (Redacted).
- 11 Q. And what is your nationality?
- 12 A. I live in Bangui.
- 13 Q. Thank you, Madam Witness. And are you married?
- 14 A. Yes.
- 15 Q. What is the name of your spouse?
- 16 A. My husband's name is (Redacted).
- 17 Q. Do you have children?
- 18 A. I have (Redacted) children; (Redacted) have died.
- 19 Q. What is your ethnicity?
- 20 A. I am from the (Redacted) ethnic group.
- 21 Q. What languages do you speak and understand?
- 22 A. I speak Sango, (Redacted) as well.
- 23 Q. Thank you, Madam Witness. I didn't get your answer on the language.
- 24 Thank you. I now have it. Where do you live at the moment?
- 25 A. I live in PK12.

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1 Q. And what is your current job or occupation?

2 A. I am unemployed; I am only a housewife.

3 Q. Regarding the languages, apart from Sango and (Redacted), is there any other  
4 language that you speak or understand?

5 A. I speak my mother's language.

6 Q. Please tell the Court your mother's language.

7 A. I don't know if you would be able to understand.

8 Q. Thank you, Madam Witness. I meant the name of your mother's language.

9 You've told us you can speak Sango or (Redacted). Your mother's language is called  
10 what?

11 A. (Redacted) (phon). It is somewhat like (Redacted).

12 Q. Thank you, Madam Witness. And do you have any grandchildren?

13 A. I have (Redacted) grandchildren. Correction: (Redacted) grandsons.

14 MR BIFWOLI: Thank you, Madam Witness.

15 I have exhausted my questions regarding the personal particulars of this witness.

16 PRESIDING JUDGE STEINER: Court officer, please, let's turn back into open  
17 session.

18 (Open session at 3.47 p.m.)

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

20 PRESIDING JUDGE STEINER: Madam Witness, we are now in public session so, in  
21 public session, you shall avoid mentioning names or any information that can lead to  
22 your identification or to the identification of family members, neighbours. If you  
23 need to mention any name, you just inform us and then we go back into private  
24 session. You understand that, Madam?

25 THE WITNESS: (Interpretation) I understand perfectly.

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1 PRESIDING JUDGE STEINER: Mr Bifwoli, please.

2 MR BIFWOLI: Thank you, Madam President, your Honours. The Prosecution  
3 notes that we have approximately ten minutes to go, yet the topic that we are getting  
4 into is about herself, her own victimisation. It is definitely going to take a lot more  
5 time and we are requesting that probably, it may be proper to start on Monday on this  
6 topic.

7 PRESIDING JUDGE STEINER: We don't have a hearing on Monday so we have to  
8 go then on Tuesday.

9 MR BIFWOLI: Thank you, very much, Madam President, your Honours, for the  
10 clarification. Thank you.

11 PRESIDING JUDGE STEINER: Madam Witness, the Prosecution is asking the  
12 Chamber to allow the Prosecution to start questioning you on Tuesday morning  
13 because now we have only ten minutes left, and we don't have a session on Monday.  
14 So we thank you very much for coming today. We have already advanced a little bit  
15 with your identification but you will start giving your testimony on Tuesday. So the  
16 Chamber wishes you a very nice weekend; that you can take some time for yourself,  
17 and we'll be back in Court on Tuesday morning at 9.30, when you start testifying.  
18 Thank you very much and have a nice weekend, Madam.

19 THE WITNESS: (Interpretation) Thank you.

20 PRESIDING JUDGE STEINER: I will ask court officer, please, to turn into closed  
21 session in order for the witness to be taken outside the courtroom and, in the  
22 meantime, we are going to adjourn, and we will resume on Tuesday at 9.30.

23 I want to thank very much the Prosecution team, legal representatives of victims, the  
24 Defence team, Mr Jean-Pierre Bemba Gombo, our interpreters and court reporters;  
25 wishing you all a nice and restful weekend. So we are turning then into closed

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1 session and adjourning this hearing.

2 \*(Closed session at 3.51 p.m.) Reclassified as Open session

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

4 (The witness stands down)

5 THE COURT OFFICER: All rise.

6 (The hearing ends at 3.52 p.m.)

7 CORRECTIONS REPORT

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

10 \* Page 36 line 20 to 21:

11 " She told us to calm down and said that she would take care of us and that is why I  
12 am here speaking about these events now. " is corrected by " She told us to calm  
13 down and said that one day God would take care of us and that is why I am here  
14 speaking about these events now ".

15 SECOND CORRECTIONS REPORT

16 The Court Interpretation and Translation Section has made the following correction  
17 in the transcript:

18 \*Page 10 line 22

19 "when these documents happened" is corrected by "when these events happened"

20 RECLASSIFICATION REPORT

21 Pursuant to Trial Chamber III 's Second Order, ICC-01/05-01/08-2223, dated 4 June  
22 2012, and the instructions in the email dated 9 September 2013, the version of the  
23 transcript with its redactions becomes Public.