

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0080

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 -
5 ICC-01/05-01/08
6 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
7 Judge Kuniko Ozaki
8 Trial hearing
9 Tuesday, 8 February 2011
10 (The hearing starts in open session at 9.35 a.m.)
11 THE COURT USHER: All rise. The International Criminal Court is now in session.
12 Please be seated.
13 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
14 in open session.
15 PRESIDING JUDGE STEINER: Good morning. Could, please, the court officer call
16 the case.
17 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
18 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
19 PRESIDING JUDGE STEINER: Thank you very much. I welcome the Prosecution
20 team, legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba
21 Gombo. Good morning to our interpreters and court reporters.
22 We are going to start today with the -- or continue today with the questioning of
23 Witness 80 by the Prosecution, so for that purpose I please ask the court officer to turn
24 briefly into closed session in order for the witness to be brought into the courtroom.
25 *(Closed session at 9.37 p.m.) Reclassified as Open session

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

2 (The witness enters the courtroom)

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

4 (Open session at 9.38 a.m.)

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

6 PRESIDING JUDGE STEINER: Thank you. Good morning, Madam Witness.

7 WITNESS: CAR-OTP-PPPP-0080 (On former oath)

8 (The witness speaks Sango)

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

10 PRESIDING JUDGE STEINER: Did you have a nice weekend, Madam?

11 THE WITNESS: (Interpretation) Yes, I had a good rest.

12 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony
13 before this Chamber, Madam?

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

15 PRESIDING JUDGE STEINER: Madam Witness, I need to remind you that you are
16 under oath. Do you understand that, Madam?

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

18 PRESIDING JUDGE STEINER: I would also like to remind you that you are under
19 protective measures, that your image and your voice in the broadcast that goes
20 outside the courtroom are being distorted so nobody can identify you by your voice
21 or by your face. It's important, Madam, that when we are in open session, in public
22 session, you avoid mentioning names of family members, of neighbours, of places,
23 because this information can lead to your identification. If you need to mention any
24 names or places, we can go into private session and then you can speak freely. Do
25 you understand that, Madam?

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1 THE WITNESS: (Interpretation) I understand.

2 PRESIDING JUDGE STEINER: And finally, Madam, I want to remind you that if
3 you feel tired, or distressed, or for any reason you want to have a break, please just let
4 us know and you will have as many breaks as you want. Is that fine with you,
5 Madam?

6 THE WITNESS: (Interpretation) Yes.

7 PRESIDING JUDGE STEINER: Thank you. So now the Prosecution will continue
8 questioning you. Mr Bifwoli.

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

10 QUESTIONED BY MR BIFWOLI: (Continuing)

11 Q. Good morning, Madam Witness.

12 A. Good morning, Mr Prosecutor.

13 Q. Thank you, Madam Witness. Today we are going to continue from where we
14 stopped on Friday and I will be asking you questions briefly about what happened in
15 the Central African Republic and what may have happened to you during this period,
16 do you understand?

17 A. I do understand.

18 Q. Madam Witness, I would like now to direct your attention to the events of
19 October 2002 to March 2003. I would like to take your mind back to events which
20 may have occurred in the Central African Republic - your country - between this
21 period of October 2002 and March 2003, and I ask you to reflect on that particular
22 period. Now, Madam Witness, who is the current president of the Central African
23 Republic?

24 A. President Bozizé.

25 Q. Who was the President of the Central African Republic before Bozizé?

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1 A. Ange-Felix Patassé.

2 Q. Was anything happening between Patassé and Bozizé during the period
3 October 2002 to March 2003?

4 A. During this time Patassé was out of the country and Bozizé took over power in
5 his absence.

6 Q. Thank you, Madam Witness. And do you recall the events that led Bozizé
7 taking power from Patassé?

8 A. I do not know how to tell you. All I know is that he fled and then he returned
9 and took over power.

10 Q. And who did Bozizé -- how did he get to power?

11 A. It was after he had fled. When he returned, it was to take over power.

12 Q. Thank you, Madam Witness. Did he return with anyone to take over power?

13 A. Yes, he came back with those -- the freedom fighters to take over power.

14 Q. Thank you, Madam Witness. And did you see them anywhere?

15 A. I saw them when they arrived.

16 Q. Which place was that that you saw them?

17 A. I saw them when they arrived. He was at the head of the soldiers who were
18 known as the freedom fighters.

19 Q. Thank you. And these freedom fighters, did they leave at some time -- at some
20 point in time?

21 A. He recruited them in the province and brought them with him.

22 Q. Where were you when you saw these freedom fighters?

23 A. I was at PK12.

24 Q. Did these freedom fighters leave PK12 at some point?

25 A. After having accompanied him to that place, they left.

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1 Q. Did any other armed group, other than these freedom fighters, arrive in PK12
2 during this period?

3 A. There were other armed groups who were wearing turbans on their heads, and
4 these were yellow turbans.

5 Q. Thank you, Madam Witness. During this period, October 2002 to March 2003,
6 did anything happen to you?

7 A. Yes. After the arrival of the Banyamulengues, we were subjected to acts of
8 violence.

9 Q. Can you explain to the Court the acts of violence that the Banyamulengue
10 subjected you to?

11 A. We heard that the Banyamulengue were coming and that they were very cruel.
12 We were wondering about them.

13 Q. Where did these Banyamulengue come from?

14 A. I do not know from where they came, but I heard that they had come from the
15 other side of the river.

16 Q. Thank you, Madam Witness. The other side of the river, does it have a name?

17 A. I was referring to Zongo. I heard that they had come from Zongo.

18 Q. Thank you, Madam Witness. In which country is Zongo located or situated?

19 A. It is in Zaire.

20 Q. And do you know who was the leader of these Banyamulengue, where *he
21 came from?

22 A. The leader of the Banyamulengue is Bemba.

23 Q. Thank you, Madam Witness. Did these Banyamulengue do anything to you
24 and to your family which you would like to explain to the Court?

25 A. When they arrived -- well, on their way, they started searching men and taking

1 their clothes and shoes, before moving on to the women. They committed a lot of
2 acts of violence against the women.

3 Q. Did they do anything particularly to you?

4 A. They arrived in groups on a Saturday, 17 October 2002. Do you want me to
5 continue?

6 Q. Yes, Madam Witness, continue.

7 A. They invaded the neighbourhood in the morning, in groups. Some of them
8 went to the neighbours' houses and others went to (Redacted) place. Three of them
9 stayed back and raped me. They took the child that I had in my hands and threw
10 him to the ground. And there were three, there were three of them on me.

11 Q. Thank you, Madam Witness, for that explanation, but so that the record is clear
12 I'm going to ask you follow-up questions on what you've just told the Court. Now,
13 Madam Witness, what do you mean when you said three of them raped you? What
14 exactly did they do?

15 A. The first one threw me to the ground. I had the child in my arms. The first
16 one was on me while the two others were standing up, pointing their weapons at me.

17 Q. Thank you, Madam Witness. You've said that the first one was on you. What
18 was he doing on you?

19 A. He slept with me like one sleeps with a woman.

20 Q. Thank you, Madam Witness. Which part of your body did he use to sleep with
21 you?

22 A. The male part of his body.

23 Q. Thank you, Madam Witness. We all in this Court understand that it is difficult
24 to explain these things. It's difficult to explain what happened to you. We all
25 understand how difficult it is. However, it is important for you to try and explain

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1 exactly how it happened so that the Court gets a clear picture of what happened to
2 you and it is for this reason that I'll be asking you more questions on this. Do you
3 understand?

4 A. Yes, that is clear.

5 Q. Thank you, Madam Witness. Now, you've told the Court that he used his male
6 part. Does it have a name?

7 A. The masculine part of his body, what's that? That's the penis.

8 Q. Thank you, Madam Witness. And which part of your body did he use to sleep
9 with?

10 A. The masculine -- the feminine part of my body.

11 Q. Thank you, Madam Witness. Please tell the Court the name of this feminine
12 part of your body.

13 THE INTERPRETER: Thank you, Madam Witness. Could you please tell the Court
14 what the feminine part of your body is; what's its name?

15 THE WITNESS: (Interpretation) I'm ashamed to say that.

16 MR BIFWOLI:

17 Q. Thank you, Madam Witness. We all understand, and maybe could you tell the
18 Court normally what is the function of this body? What is it normally used for?

19 A. But it's the part that a man introduces his penis into. He ejaculates.

20 PRESIDING JUDGE STEINER: Mr Bifwoli, I think we -- even the Defence is
21 sufficiently clarified on this topic. Could you confirm, please, Maître Liriss?

22 MR LIRISS: (Interpretation) That is correct, your Honour.

23 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. Mr Bifwoli, I think you
24 can continue without insisting on this specific point.

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

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1 Q. Now, Madam Witness, how many Banyamulengue in total slept with you?

2 A. There were three of them and the three of them raped me.

3 Q. Thank you, Madam Witness. You've explained what the first Banyamulengue
4 did to you. Is that what the other two Banyamulengue did as well?

5 A. The first was on me and, when I tried to resist, he slapped me. The two others
6 as well, they also wanted to do so.

7 Q. Thank you, Madam Witness. You've just stated that "they also wanted to do
8 so," but you've told us exactly what the first one did. Did the two also do the same
9 thing that the first one did?

10 A. They did the same thing. The last one I was tired, and when he saw that he
11 couldn't continue and he got up because I started to bleed. Three was a lot.

12 Q. Thank you, Madam Witness. Why were you bleeding?

13 A. Three men, that was far too much. Even just one when he sleeps with you, you
14 feel tired, but three? This is far too much.

15 Q. And please tell the Court from which part of your body were you bleeding.

16 A. Well, I tried not to say it, but it was my vagina.

17 Q. And for how long did these Banyamulengue rape you?

18 A. Well, you know, I was very troubled at the time. I have no idea what the
19 duration was.

20 Q. Thank you, Madam Witness. Earlier on in your testimony you mentioned that
21 you were holding the baby. What happened to this baby?

22 A. After that the child cried, had convulsions and started having diarrhoea. We
23 tried to treat the baby in the hospital, but this didn't work and the baby died in
24 hospital.

25 Q. Thank you, Madam Witness. And while these Banyamulengue were raping

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1 you, did they say anything to you?

2 A. When I wanted to speak, one spoke to me and one of them told me that if I tried
3 to resist he was going to sleep with me 50 times without stopping.

4 Q. In which language were they communicating with you?

5 A. In Lingala, because there are French words. This is what made it possible for
6 me to understand.

7 Q. And where exactly did your rape take place?

8 A. In the house.

9 Q. Whose house?

10 A. The house of my husband. They entered, they were there and he sent them
11 away. Well, when he tried to intervene they said to my husband that he too was a
12 woman and that if he tried to oppose them they were going to sleep with him as well,
13 and they did the same thing to him as they did to me for that reason.

14 Q. Thank you, Madam Witness. You have just explained to the Court that the
15 Banyamulengue raped you and they also raped your husband. Apart from you and
16 your husband, did they rape anyone else in your family?

17 PRESIDING JUDGE STEINER: Madam Witness --

18 THE WITNESS: (Interpretation) But my children too. If I give their names, you
19 would know. They slept with (Redacted). They continued and they
20 took away -- they deflowered them. They were 12. There was also (Redacted) as well.
21 There was also (Redacted). She was further away. She was with her uncle at
22 the time. She was pregnant and they also raped her as well.

23 PRESIDING JUDGE STEINER: Madam Witness, please try to avoid telling names.

24 Just refer to the kinship relation you have with these people. Thank you.

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

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1 Q. Madam Witness, we know it's difficult, but later on we will give you a chance in
2 a private session to state all the names of the people you have talked to in -- you've
3 talked about in your evidence. So at the moment just try to describe them using
4 their relationship, whether husband, daughter, or use the relation to explain that.
5 Madam President, your Honours, I request for a moment to confer with my
6 colleagues. Thank you, Madam President, your Honours.

7 PRESIDING JUDGE STEINER: Mr Bifwoli --

8 MR BIFWOLI: Yes.

9 PRESIDING JUDGE STEINER: -- just a practical recommendation. When you need
10 to ask about who did something, or with whom, please remind the witness not to
11 mention names.

12 MR BIFWOLI: Thank you, Madam President, I will do that.

13 Q. Madam Witness, I have very few questions remaining on this topic and then I'll
14 move on to another topic. Would you like to continue, or maybe you need a break?

15 A. We can continue.

16 Q. Thank you, Madam Witness. Please feel free, when you think it's too much for
17 you, you can ask for a break and as Madam President pointed out you'll be given as
18 many breaks as may be necessary. So let us know whenever you need a break and
19 we'll let you have it.

20 Now, Madam Witness, a short while ago you mentioned your family members who
21 were raped. What do you mean when you say they were raped?

22 A. The same thing as I was subject to they made my children also suffer.

23 Q. Thank you, Madam Witness, but so that the record is clear what do you mean
24 that they subjected your family to in terms of rape? What did they exactly do to
25 them?

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1 JUDGE ALUOCH: Mr Bifwoli, you'd have to find out whether she witnessed, if
2 you're being very specific or she's giving evidence of what these members of the
3 family told you, unless she witnessed specifically.

4 MR BIFWOLI: Thank you, your Honour. In fact, we were trying to establish what
5 she knows and then we come to how she knew that this event happened to them.

6 Q. So, Madam Witness, what did the Banyamulengue exactly do to your family
7 and to your husband?

8 A. The Banyamulengue raped me, they raped my husband and my children.

9 Q. And how do you know that your husband and your children were raped by the
10 Banyamulengue?

11 A. Well, how can't you know? You can't ignore everything that's happening in
12 the family.

13 Q. Thank you, Madam Witness. But it's also important that the Court
14 understands the source of your knowledge or the basis of your knowledge, how you
15 came to know. So how did you learn that your family, your husband, were raped by
16 the Banyamulengue?

17 A. I know. I can't lie. I know.

18 Q. Thank you, Madam Witness. Did you see it with your own eyes?

19 A. Yes, I saw it with my own eyes. I wanted to speak about my first daughter
20 whose name I wanted to give. She was raped and now she has problems to conceive.
21 Another as well was 11 at the time that she was deflowered. Another was 14 at the
22 time that she was raped, and all four of them, they almost had the same age when
23 they were raped. Another was pregnant when she was raped, and she spoke to me
24 about that.

25 Q. Thank you, Madam Witness. You have explained to the Court when your rape

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1 took place. Can you also tell the Court when the rape of your husband and family
2 members took place?

3 A. It was the same day as their arrival they committed these acts of violence.

4 Q. And where were your family members, that's your husband and your family
5 members you've mentioned, where were they raped?

6 A. I said that I was inside the house. They did these things to me, and another
7 was in her house. There were (Redacted) at the time and the others, when they
8 saw that I was being raped, they fled. They tried to flee and these men caught them
9 to rape them.

10 Q. So do you know where the rape of your husband and family members took
11 place; where?

12 A. I can't indicate a place. My husband was raped outside when he was raped.

13 Q. Thank you, Madam Witness. Did you consent to the Banyamulengue having
14 sexual intercourse with you?

15 A. No, I did not consent. A woman does not have the same strength as a man.
16 They pushed me, I fell over. That's how they slept with me. I did not consent.
17 My husband tried to intervene, and I said I did not consent.

18 Q. And these Banyamulengue who raped you, at that time were they carrying
19 anything in their hands?

20 A. Yes, they were armed. How could you be -- how could you put up any
21 opposition when they were armed? You couldn't do anything else.

22 Q. What kind of weapons were they armed with?

23 A. I could not tell you. I only saw weapons in their hands.

24 Q. Have you seen similar weapons elsewhere?

25 A. Yes. Soldiers have the same type of weapon.

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1 Q. You mean -- which soldiers; soldiers that have similar weapons?

2 A. I want to speak about these soldiers from our country.

3 Q. Thank you, Madam Witness. So the kind of weapons that these
4 Banyamulengue were carrying were similar to the kind of weapons that you see with
5 your soldiers in your country?

6 A. Yes. I don't know the different types of rifles. For me, they are all the same or
7 all similar, certainly.

8 Q. Thank you, Madam Witness. And those Banyamulengue who raped your
9 husband and other family members, were they carrying anything in their hands as
10 well?

11 A. Yes, they were all armed when they did these things to us.

12 Q. Madam Witness, at the time that one Banyamulengue was raping you, where
13 was his weapon?

14 A. They were standing up and they absolutely wanted to sleep with me.

15 Q. Thank you, Madam Witness. What we would like to know is when one
16 particular Banyamulengue was sleeping with you, where was the weapon of this
17 particular Banyamulengue who was sleeping at that time?

18 A. (No Interpretation).

19 MR BIFWOLI: Sorry, Madam President, I didn't get any translation.

20 THE INTERPRETER: Sorry. "I did not see if he put the gun down on the ground."

21 PRESIDING JUDGE STEINER: Sorry, is there any problem with translation?

22 THE INTERPRETER: Can you hear me? Okay, sorry. I don't know what
23 happened there. "I don't know if he put the gun down on the ground at that time."

24 MR BIFWOLI: Thank you very much.

25 Q. Sorry, Madam Witness, there was a slight technical problem in the

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1 interpretation but it's now fine. Madam Witness, did you -- did you resist these
2 Banyamulengue when they came to rape you?

3 A. Yes, I tried to refuse but they told me that if I did, they were going to sleep with
4 me 50 times.

5 Q. Apart from telling you that they will sleep with you 50 times, did they also do
6 something to you?

7 A. Well, after that another one of them slapped me on my cheek.

8 PRESIDING JUDGE STEINER: Sorry to interrupt you. Just to remind you that the
9 Chamber denied the legal representative the right to question another witness about
10 whether the witness resisted or not, so I would please remind you that in the scenario
11 with weapons and threats, there is no need for this kind of question that can be seen
12 even as offensive by the witness.

13 MR BIFWOLI: Thank you, Madam President, your Honours. I'm well, well guided
14 on that point.

15 Q. Madam Witness, you've mentioned -- you've stated to the Court that one of
16 them slapped you. What did he use to slap you?

17 A. He slapped me with his hand.

18 Q. Thank you, Madam Witness. Earlier on in your testimony you stated that
19 these Banyamulengue communicated with you partly in Lingala and French. Now,
20 how did you know that the language they were speaking was Lingala?

21 A. It's their language. I know it's their language.

22 Q. And did you get to know what they were communicating amongst themselves
23 in Lingala?

24 A. No, I couldn't understand.

25 Q. Thank you, Madam Witness. A short while ago you mentioned that one of

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1 your daughters is not able to conceive. Was she married at that time?

2 A. Yes, she had a husband.

3 Q. Do you know which languages that the husband was able to speak and
4 understand?

5 A. He also spoke Lingala.

6 Q. And where was the husband to this daughter we are talking about at that time
7 when these events were happening to you and your family?

8 A. On that day when they came, they said if they found any men they were going
9 to take them as soldiers, give them rifles to help fight the rebels. So when he heard
10 that, he ran away.

11 Q. Thank you, Madam Witness. Did he at any time interpret to you what the
12 Banyamulengue were saying in Lingala?

13 A. Yes. He understood Lingala and, from time to time, defended us.

14 Q. Can you please explain to the Court how he defended you?

15 A. As he understood their language, and given the horrendous things they were
16 doing, he asked them not to behave in that way with us.

17 Q. And where were they when he asked them not to behave in that way with you?

18 A. After he first fled, he came back and that's when he tried to defend us.

19 THE INTERPRETER: The interpreter adds: If I've understood well what she's just
20 said.

21 MR BIFWOLI:

22 Q. At that time, when he was trying to defend you, where was he?

23 A. He was in our home with us.

24 Q. And who was he talking to?

25 A. There was one of their leaders who was a very tall man, because when they

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1 were behaving badly this tall man would tell them off sometimes and that enabled us
2 to know that he was their leader.

3 Q. And, Madam Witness, is Lingala one of the languages spoken by the civilian
4 population in PK12?

5 A. No.

6 Q. Please tell the Court which language is spoken by the civilian population in
7 your neighbourhood.

8 A. We speak Sango. There is a quite wide diversity of ethnicities, but everybody
9 speaks Sango.

10 Q. Thank you, Madam Witness. Now, these Banyamulengue who raped you and
11 your family, apart from communicating in Lingala and sometimes in French could
12 they communicate to you in any language that you knew, spoken by the civilian
13 population in your neighbourhood?

14 A. No. Because when they threatened to rape me 50 times in a row, I understood
15 them then, but what they were saying otherwise in Lingala I could not understand.

16 Q. Could they speak Sango as well?

17 A. You're talking about the Banyamulengue?

18 Q. Thank you, Madam Witness. What I'm asking you is whether the
19 Banyamulengue could speak Sango. Could they speak Sango?

20 A. No, they could not speak Sango. They spoke the language of their country.

21 Q. Thank you, Madam Witness. Earlier on in -- earlier on in your testimony you
22 mentioned the fighters of Bozizé. Which language was spoken by these fighters of
23 Bozizé?

24 A. They spoke Sango because he enrolled them in the province.

25 Q. Did they also speak any other language apart from Sango?

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1 A. I didn't understand.

2 Q. Thank you, Madam Witness. I'll repeat my question. In your testimony
3 you've just mentioned that Bozizé's rebels spoke Sango, and my question is: In
4 addition to Sango, did they speak any other language?

5 A. I only heard them speak Sango. Perhaps they talked to one another with other
6 languages, but --

7 Q. And these Bozizé rebels, did they commit any crimes in your neighbourhood?

8 A. No, no, they didn't commit any crimes. They are the ones who came to free us
9 from our suffering.

10 Q. During the period that the Banyamulengue were in your neighbourhood, where
11 were these Bozizé rebels?

12 A. The Banyamulengue were in PK12. The rebels followed Bozizé. I don't know
13 if they helped him take over, but -- I can't tell because we were fleeing at that point.

14 Q. At that time that the Banyamulengue were in your neighbourhood, were there
15 any rebels within your neighbourhood as well?

16 A. Yes, the rebels had come before the Banyamulengue arrived.

17 Q. And when the Banyamulengue arrived, where were the rebels?

18 A. Well, when the Banyamulengue arrived, the rebels realised that there was a
19 substantial number of Banyamulengue; therefore, they fell back at Damara, towards
20 Damara.

21 Q. Thank you, Madam Witness. And do you know anyone else who was raped
22 by the Banyamulengue, apart from you and your family members? And I request of
23 you that, if you know anyone, please do not mention their names.

24 A. Some of our neighbours were raped, too.

25 Q. And what do you mean when you say your neighbours were raped too?

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1 A. I mean not just one woman was raped. Sometimes they would rape a wife in
2 front of her husband and then rape young girls before their parents, both of them, the
3 dad and the mum. I mean, they weren't hiding. They were doing it quite openly,
4 publicly.

5 PRESIDING JUDGE STEINER: Maître Liriss.

6 MR LIRISS: (Interpretation) Thank you, Madam. I would suggest that the
7 Defence would need to know the names of these neighbours who have been raped, so
8 could we have a closed session?

9 PRESIDING JUDGE STEINER: Of course you can always put this kind of questions
10 when you are questioning the witness, please.

11 MR LIRISS: (Interpretation) Private session. Sorry.

12 PRESIDING JUDGE STEINER: If the Prosecution accepts the suggestion, we can go
13 into private session.

14 MR BIFWOLI: Thank you, Madam President, your Honours. Actually, what we
15 were intending to do is to solicit all the names at the very end that the witness has
16 talked about in her testimony. That was our intention unless if the Chamber thinks
17 that we should do it now.

18 PRESIDING JUDGE STEINER: No, it's up to the Prosecution to decide.

19 MR BIFWOLI: Thank you, Madam President. In that case, we will be eliciting all
20 the names that the witness has talked about at the end.

21 Q. Now, Madam Witness, you've mentioned in your evidence that your
22 neighbours were raped. Now, how did you know that they were raped by the
23 Banyamulengue?

24 A. I know that happened because these women live next door to me, close to me,
25 and we talked about it.

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(Open Session)

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Witness: CAR-OTP-PPPP-0080

1 Q. Thank you, Madam Witness. When your family and yourself were subjected
2 to rapes by the Banyamulengue what action did you take to avoid the repeat of the
3 same?

4 A. Well, after this had happened we learned that another group was coming our
5 way and we fled, so we took refuge in (Redacted). Given the way they'd behaved, we
6 decided we had to take the children and run away with them so that we would not be
7 subjected to the same kind of crimes.

8 Q. And where were you staying at (Redacted)?

9 A. Well, who are you talking about? Are you talking about the Banyamulengue?

10 Q. Thank you, Madam Witness. You've told the Court that you took the children
11 and you fled to (Redacted). Now, at (Redacted), where were you and the children
12 staying at (Redacted)?

13 A. We were living with (Redacted).

14 Q. And apart from you and your family, were there any other people in (Redacted)
15 that you knew?

16 A. There were a lot of people there. We went and sought refuge with an kinsman.

17 Q. At (Redacted) were there any people from your neighbourhood?

18 A. Yes, there were a lot of us there.

19 Q. Where were they staying, people from your neighbourhood?

20 A. Well, we went to a (Redacted). No.

21 When the Banyamulengue were chasing the rebels, the rebels said they were fed up
22 and they could not flee any more, so they held their ground and fighting broke out
23 around the (Redacted) bridge. There was very fierce fighting. Our children were
24 hungry, and we couldn't find them any food.

25 PRESIDING JUDGE STEINER: Mr Bifwoli? We didn't have your question. And

Trial Hearing
Witness: CAR-OTP-PPPP-0080

(Open Session)

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1 we are not having a --

2 MR BIFWOLI: Thank you, Madam President.

3 PRESIDING JUDGE STEINER: Use your microphone, please. I am saying I am
4 not listening to myself here. Yes, now I am. I was saying that we could not see
5 your question in the transcript. If you could repeat your last question. We have
6 only the answer given by the witness.

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

8 Q. Madam Witness, I think there were technical problems and my question was
9 not heard by the interpreters. I would like to repeat the same. Did you leave (Redacted)
10 you and your family, at some point?

11 A. We stayed in (Redacted) but, after the fighting, we went back to PK12 with our
12 children.

13 Q. For how long did you stay at (Redacted)?

14 A. We spent two days there.

15 Q. You mentioned a short while ago that there was a fighting at (Redacted). This
16 fighting was between who and who?

17 A. Well, the fighting was between the Banyamulengue and the rebels.

18 Q. Thank you, Madam Witness. Do you know who was cooking for the
19 Banyamulengue at your neighbourhood?

20 A. Well, after that fighting, after we had fled to stay with our kinsmen, there were
21 a lot of us; we were very tired and we saw them run over the entire area and we
22 decided to flee. But they told us not to run away. But we were sure they were
23 going to commit crimes as they had beforehand, but we had to stay. They gave us
24 what they had, chickens and the likes, but since they were armed we were afraid, so
25 we decided to stay on and cook for them. After cooking for them, they told us to

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1 give food to the children. I said, "No, I can't give this food to our children because
2 this has been stolen." I didn't want my children to die because they had eaten stolen
3 food.

4 MR BIFWOLI: Thank you, Madam Witness.

5 Madam President, your Honours, I realise it's time for break and I intend to move on
6 to my next topic after the break.

7 PRESIDING JUDGE STEINER: Madam Witness, we are going now to have a break,
8 a half-an-hour break. Then you can take some rest. It's 11 o'clock now. We'll be
9 back at 11.30. And I'm going to ask the court officer to turn into closed session in
10 order for the witness to be taken outside the courtroom, and in the meantime we are
11 going to suspend the session and we will resume at 11.30. Court officer, please.

12 *(Closed session at 10.59 a.m.) Reclassified as Open session

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

14 (The witness stands down)

15 THE COURT OFFICER: All rise.

16 (Recess taken at 11.00 a.m.)

17 *(Upon resuming in closed session at 11.35 a.m.) Reclassified as Open session

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

19 PRESIDING JUDGE STEINER: Welcome back. We are going to continue with the
20 questioning of Witness 80 and I ask, please, the court officer to -- the court usher to
21 bring the witness in.

22 (The witness enters the courtroom)

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

24 (Open session at 11.37 a.m.)

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

Trial Hearing
Witness: CAR-OTP-PPPP-0080

(Open Session)

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- 1 PRESIDING JUDGE STEINER: Thank you. Madam Witness, welcome back to the
2 courtroom. Did you manage to rest, Madam?
- 3 THE WITNESS: (Interpretation) Yes, I did. I was able to rest.
- 4 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?
- 5 THE WITNESS: (Interpretation) Yes, I am ready.
- 6 PRESIDING JUDGE STEINER: At any time, Madam, that you need a break because
7 you are tired or feel distressed, for any other reason, just let us know and we can have
8 another break. Is that fine with you, Madam?
- 9 THE WITNESS: (Interpretation) I have understood you well, and what we are
10 doing right now is not as difficult as that.
- 11 PRESIDING JUDGE STEINER: Thank you, Madam. So the Prosecution will
12 continue to question you. Mr Bifwoli.
- 13 MR BIFWOLI: Thank you, Madam President, your Honours.
- 14 Q. Good morning, Madam Witness, again.
- 15 A. Good morning, Counsel.
- 16 Q. Madam Witness, we will proceed from where we left this morning and I am
17 now moving on to my next topic. And I would like you to tell the Court, apart from
18 raping you, did the Banyamulengue take any of your belongings?
- 19 A. They took everything in our house. They took away the beds, the foam
20 mattresses, kitchen utensils, and even the furniture in the house. They did not leave
21 anything.
- 22 Q. And did they also take anything that belongs to your family members?
- 23 A. They looted everything. On that day they had driven away everybody. They
24 were in control of everything, so they did anything that they wanted.
- 25 Q. How did they carry these things that they took from your home?

1 A. They took the items to their base at the school. They had already crossed the
2 river with the first items looted from the population. As for the second batch of
3 items that were looted, they had been stopped with those items at the river.

4 Q. Madam Witness, thank you very much, but did you see them crossing the river
5 with these items?

6 A. I heard that they had crossed the river with the first lot of things that they had
7 looted. It is only the second lot that they were not able to cross with because they
8 were blocked at the river.

9 Q. From who or where did you hear this information from?

10 A. Everyone was aware of what was happening.

11 Q. Thank you, Madam Witness. However, we would like to know from which
12 source did you know that these Banyamulengue had crossed with things? What was
13 the source of your information?

14 A. I heard it said. Maybe in their country they did not have foam mattresses, they
15 do not have good clothes or valuable items. That is why they came and stole things
16 and crossed the river with them. That is what I know.

17 Q. Thank you, Madam Witness. And who specifically told you that the
18 Banyamulengue crossed the river with these items?

19 A. Everyone was talking about it. People were saying that they had already
20 crossed with the first lot of looted goods.

21 Q. You've also mentioned that in the second loot they were stopped. Who
22 stopped them from crossing with those items?

23 A. Those who were by the riverside.

24 Q. Can you please tell the Court who at the riverside specifically stopped the
25 Banyamulengue from taking the things they had looted across?

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(Open Session)

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Witness: CAR-OTP-PPPP-0080

1 A. But people know. People were asking questions about the origin of those
2 goods, because they wanted to cross the road with them. People asked questions
3 and prevented them from taking those goods across the border -- or, rather, across the
4 river.

5 Q. And do you know which means of transport that the Banyamulengue used to
6 transport these items from your neighbourhood?

7 A. They carried those items themselves using their own hands. They did not put
8 them in a vehicle, or any such thing. They carried the items themselves.

9 Q. And when you say that they took the first load of items across, where do you
10 refer to when you say "across"? Does it have a name?

11 A. In the direction of Zongo.

12 Q. Thank you, Madam Witness. During this period of October 2002 to
13 March 2003, were any people killed?

14 A. I did not witness any killings, but while on our way fleeing to (Redacted) we
15 saw dead bodies on the road.

16 Q. And do you know who killed the people; the dead bodies that you saw?

17 A. I do not know. They were the only ones who were armed and since there were
18 killings they would have been the ones because they were armed, but I cannot tell
19 you precisely who actually did the killings.

20 Q. Madam Witness, what do people in your neighbourhood say about what
21 happened to you and your family?

22 A. We were being pointed at. Before those events, my husband was rich. We ate
23 well, we lived well, but after those events everyone was making fun of us.

24 Q. Thank you, Madam Witness. Please explain to the Court when you say
25 "everyone was making fun of us," what were they exactly doing?

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Witness: CAR-OTP-PPPP-0080

(Open Session)

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1 A. They were making fun of us, because of what the Banyamulengues had done to
2 us. They had gathered us all together in the house and they assaulted us. That is
3 why people were making fun of us.

4 Q. Did these rapes affect your daughters in any way?

5 A. Even right now, as I talk to you, which kind of man is going to approach any of
6 my daughters? Every man is afraid of my daughters. Since they were assaulted
7 and raped by the Banyamulengue, people are afraid of them because they do not
8 want to contract any diseases.

9 Q. Thank you, Madam Witness. And earlier on in your evidence you said that
10 one of your daughters cannot conceive. Can you tell the Court why?

11 A. She had been raped by four Banyamulengues, and she was bleeding after the
12 rapes and now she has problems conceiving. We have tried to treat her, to give her
13 traditional treatment, but it was not successful. So at the time being, she's unable to
14 conceive.

15 Q. Did these rapes affect other women within your neighbourhood in any way?

16 A. Many other women. We were not the only ones. Many other women were
17 raped.

18 Q. What was the effect of these rapes on these other women in your
19 neighbourhood?

20 A. Many of them have fallen ill and they're complaining about it.

21 Q. Was any of the property looted from you by the Banyamulengue ever returned
22 to you?

23 A. No, none of those items were returned to us.

24 Q. Do you suffer any physical injury, or pain, as a result of what happened to you
25 during this time?

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Witness: CAR-OTP-PPPP-0080

1 A. Yes, I am suffering a lot. I have back problems and I have headaches, as a
2 result of what happened to me, and even to date I continue to suffer from those
3 effects.

4 Q. Thank you, Madam Witness. How does the public generally perceive you and
5 your family after the rape?

6 A. Up 'til now, we do not have any peace. We cannot live well in our own place.

7 Q. Can you tell the Court why you cannot live in peace at your own place up 'til
8 now?

9 A. But if you are walking by and everyone stigmatises you -- for example, myself,
10 when I pass by, people will say "Look at a big lady like that who had herself raped by
11 the Banyamulengues and even her daughters were raped by the Banyamulengues."
12 I hear all of that when I'm walking by.

13 Q. Thank you very much, Madam Witness. Are you a member of any victim
14 organisation?

15 A. Yes, I am a member of an NGO which brings together victims.

16 Q. Please tell the Court the name of this NGO.

17 A. That NGO is known as OCODEFAD.

18 Q. Have you received any support or assistance from OCODEFAD?

19 A. Not at all. We only received soja, and that was only once, or soy beans.

20 Q. Were any conditions from OCODEFAD -- were there any conditions from
21 OCODEFAD in order for you to receive that minimum support that you've
22 mentioned; the soya and the like?

23 A. There weren't conditions. There were different services, or units, within
24 OCODEFAD. For example, (Redacted) and for
25 other such small activities.

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(Private Session)

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Witness: CAR-OTP-PPPP-0080

1 Q. Did you tell your story to OCODEFAD?

2 A. Yes, but it was -- it was because of that that OCODEFAD was created. It was
3 because this woman had lost her husband during these events. Her husband was
4 killed and it was for that reason that she created this NGO.

5 Q. Thank you, Madam Witness. Did OCODEFAD advise you in any way on how
6 to tell or present your story?

7 A. Yes, this NGO gave us advice relating to the atrocities that we had suffered.
8 This was in order to help us and that is also why this NGO was in fact created.

9 Q. Thank you, Madam Witness. You've just told the Court that this NGO gave
10 you advice relating to the atrocities that you suffered; which kind of advice
11 specifically did the NGO give you?

12 A. They gave us advice relating to the events, and they also gave us advice,
13 activities that we should carry out in order to be able to forget the experiences that we
14 had had.

15 MR BIFWOLI: Thank you, Madam Witness. Madam President, your Honours, I
16 request for a private session in order to elicit names.

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

18 *(Private session at 12.04 p.m.) Reclassified as Open session

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

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

21 Q. Madam Witness, we are now in private session and I'm going to ask you to
22 provide the Court with the names of the people that you've talked about in your
23 evidence, and please feel free to mention the names because they cannot be heard
24 outside this courtroom. Do you understand?

25 A. You want to speak about which names; could you tell me?

1 Q. Thank you, Madam Witness. I'm going to put to you specific questions, then
2 you'll provide the names. At page 11, lines 15 to 20 of today's unedited transcript,
3 you stated that your daughters were raped. Please tell the Court the names of your
4 daughters who were raped?

5 A. The first daughter is (Redacted), the second (Redacted), third (Redacted), and the fourth,
6 (Redacted). She was (Redacted) and they chased her to rape her. The fifth is the one who
7 (Redacted).

8 Q. Thank you, Madam Witness. And can you tell the Court which of these
9 daughters cannot (Redacted)?

10 A. It is (Redacted).

11 Q. Thank you, Madam Witness. Also today at page 21, line 17, you stated that
12 some of your neighbours were raped. Please tell the Court the names of your
13 neighbours who were raped?

14 A. One called (Redacted), the other (Redacted). Both also wanted to come to testify.
15 Unfortunately, they were not able to. They are neighbours who live close to us.

16 Q. Thank you. Are they the only neighbours that you know of who were raped,
17 or are there others?

18 A. There were others in the neighbourhood.

19 Q. Please provide the Court with the names of those that you are able to recall?

20 A. Well, some lived quite far away but other victims lived on the way to (Redacted),
21 or the fields. When I went there, I indicated the house and I said it was three
22 Banyamulengue who raped her and also afterwards her husband abandoned her, and
23 it was because of this that I was able to know some of the victims.

24 Q. Thank you, Madam Witness. We know these events took place a long time ago,
25 but are you able to provide the Court with their names, or you've forgotten?

1 A. I no longer remember the names. You know that it's several years ago.

2 Q. Thank you, Madam Witness; we understand that. Madam Witness, my next
3 question is: In your testimony today you also mentioned (Redacted) who could
4 speak Lingala. Please tell the Court the name of (Redacted) who could speak
5 Lingala?

6 A. His name is (Redacted).

7 Q. Thank you, Madam Witness. Please also tell the Court to who was (Redacted)
8 married to?

9 A. (Redacted) is the (Redacted) of my daughter, (Redacted). He had (Redacted) children (Redacted)
10 (Redacted) and afterwards he took the (Redacted) children to the other side of the river.

11 Q. Thank you, Madam Witness. Could you also tell the Court the names of your
12 baby who the Banyamulengue threw on the ground before they raped you?

13 A. His name was (Redacted).

14 Q. Thank you, Madam Witness. You also mentioned in your evidence that you
15 saw corpses of dead people. Do you know the names of anyone who was killed?

16 A. No, I don't know the names of any, but my husband buried some of their
17 bodies.

18 Q. Thank you. And do you know the name of anyone who was injured by
19 bullets?

20 A. Yes, there was a young man who was injured by bullets in his knee. He
21 continued to suffer from the wound, from this bullet wound, and still does, and there
22 was a Muslim who was hit in the knee, who needs to use a crutch to support himself
23 when he walks, but I do not know his name.

24 Q. Thank you, Madam Witness. And who shot these people you've just
25 mentioned?

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Witness: CAR-OTP-PPPP-0080

(Private Session)

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1 A. The Banyamulengue.

2 Q. And, finally, how did you know that it was Banyamulengue who shot them?

3 A. But it was them. It was they who behaved in that way. When they wanted to
4 take something from anyone and the person wanted to refuse, well, they would get
5 their weapon and point it at that person. It was they who behaved in that manner.

6 MR BIFWOLI: Thank you, Madam Witness. This brings us to the end of
7 Prosecution questioning and we thank you very much for cooperating with the Court.
8 Thank you so much.

9 Madam President, your Honours, this brings us to the end of the Prosecution
10 questioning. Thank you.

11 PRESIDING JUDGE STEINER: Thank you, Mr Bifwoli. Madam Witness -- sorry,
12 let's turn into open session, please.

13 (Open session at 12.15 p.m.)

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

15 PRESIDING JUDGE STEINER: Thank you. Madam Witness, the Prosecutor
16 finished its questioning and now it is the legal representative of victims, Maître
17 Zarambaud, that is going to put to you some questions. Are you fine with that,
18 Madam?

19 THE WITNESS: (Interpretation) How could I not be in agreement with that?
20 Why did I come here?

21 PRESIDING JUDGE STEINER: Thank you very much. Maître Zarambaud, you
22 have the floor.

23 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. Thank you,
24 Judges.

25 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0080

1 Q. Good morning, Witness.

2 A. Good morning, Counsel.

3 Q. I introduced myself to you during the familiarisation session and I'm going to
4 introduce myself again. I am Counsel Zarambaud Assingambi. I am a lawyer in
5 the Central African Public Bar and I was designated by the Court to ensure the
6 defence of victims from Bangui and the surrounding area. I have prepared some
7 questions that I would like to put to you, but a large part of these questions have
8 already been put by the Prosecutor. As a result, I shall not ask all of the questions
9 that I had prepared.

10 The first question that I wanted to ask you is as follows: You stated in your
11 testimony - and the reference is CAR-OTP-0034-1010 - you stated that "For me, the
12 Banyamulengue are savages. It is here that Patassé provided them with uniforms
13 and who also civilised them." What exactly do you mean by that?

14 A. The Banyamulengue were not persons who were civilised. If they were
15 persons who were civilised, they would not have behaved in such a manner.

16 Q. Thank you, Madam Witness. You stated also - and the reference to that is
17 CAR-0034-1070 - that you had been raped in the presence of the twins and the baby
18 who had been ripped out of your arms and thrown to the floor. I wanted to ask you
19 what was the age of these children who were with you at the time of this rape.

20 A. They were very young. My children who were older saw what the
21 Banyamulengue did to me. They left, but the youngest children stayed next to me.

22 Q. Thank you, Witness. The next question I shan't ask you because it was a
23 question as to -- well, you stated that one of your daughters - we shan't mention her
24 name here - is now living with an Arab because the Central African -- Central African
25 Republic persons do not like her, but you already answered this question which was

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1 put to you by the Prosecutor. You also stated that - please excuse me - that your
2 son-in-law spoke the Banyamulenguan language. What language is that?

3 A. Lingala, because he too, he comes from that country, so he also speaks Lingala.

4 Q. Thank you, Madam Witness. So the Banyamulengue knew that your
5 son-in-law -- your brother-in-law, that your brother-in-law was their compatriot?

6 A. Yes. When somebody speaks a language, if you understand that language, you
7 can speak to the person.

8 Q. Thank you, Witness. So the fact that they knew that your brother-in-law was
9 their compatriot, this fact did not prevent them from raping the wife of their
10 compatriot?

11 PRESIDING JUDGE STEINER: Maître Liriss.

12 Madam. Madam, please wait before you answer. Madam. Madam. Maître
13 Liriss.

14 MR LIRISS: (Interpretation) Your Honour, I would like to make an objection to the
15 question as formulated. I would like my colleague to reformulate his question,
16 because as it is formulated, it is a leading question. These are conclusions that he
17 himself is drawing and which he is trying to put into the mouth of the witness.

18 PRESIDING JUDGE STEINER: Maître Zarambaud, you can maybe rephrase your
19 question. It's a little bit suggestive. I agree with the Defence.

20 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. I think I will stay
21 with the first answer of the witness, according to which her brother-in-law did speak
22 to the Banyamulengue in their language.

23 Q. The next question I also won't ask. It related to the issue of the slap that you
24 received when you tried to resist the rape. You stated in your testimony that, until
25 today, you had pain in your teeth and also headaches. You've already answered that

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(Open Session)

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1 question in your answer to the Prosecutor, so I'm not going go over that. My last
2 question is therefore as follows: You stated - and the reference is
3 CAR-OTP-0034-1070 - and here I quote you, "We didn't do the HIV test because we
4 were afraid. If the results were positive, you would die sooner, thinking about it."
5 Since then have you undergone an HIV test and, if so, do you know what the result
6 thereof is?

7 THE INTERPRETER: The English interpreter did not hear the answer. "I have not
8 done the test" is the answer.

9 PRESIDING JUDGE STEINER: Have you finished, Mr Zarambaud?

10 MR ZARAMBAUD: (Interpretation) I have finished. I would like to thank you
11 and I would also like to thank the witness, your Honour.

12 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud. I now ask the
13 Defence whether the Defence is starting its questioning now, or after the break.

14 MR LIRISS: (Interpretation) With your kind attention, we would like to start after
15 the break, your Honour.

16 PRESIDING JUDGE STEINER: I would like to ask our interpreters and court
17 reporters, if we suspend right now, whether it would be possible to resume at
18 2 o'clock instead of 2.30.

19 THE INTERPRETER: Your Honour, you are indeed correct.

20 PRESIDING JUDGE STEINER: Madam Witness, we are going to suspend our
21 session now for the lunch break. Then you can have lunch and take some rest. We
22 are going to resume this hearing at 2 o'clock, when the Defence will start questioning
23 you. So take some time for yourself and we'll be back at 2 o'clock.

24 I ask, please, court officer, to turn into closed session in order for the witness to be
25 taken outside the courtroom, and in the meantime we are going to suspend and we

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1 will resume at 2 o'clock in the afternoon.

2 *(Closed session at 12.29 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 (Luncheon recess taken at 12.31 p.m.)

7 *(Upon resuming in closed session at 2.06 p.m.) Reclassified as Open session

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

9 PRESIDING JUDGE STEINER: Good afternoon. We are going to continue today's
10 hearing now with the Defence questioning of Witness 80 and, for that purpose, I ask
11 please the court usher to bring the witness in.

12 (The witness enters the courtroom)

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

14 (Open session at 2.08 p.m.)

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

16 PRESIDING JUDGE STEINER: Thank you. Good afternoon, Madam Witness.

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

18 PRESIDING JUDGE STEINER: Did you have lunch and manage to rest a little bit?

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

20 PRESIDING JUDGE STEINER: Are you ready, Madam, to continue with your
21 testimony before this Court?

22 THE WITNESS: (Interpretation) It's your work, your Honour.

23 PRESIDING JUDGE STEINER: But it's our work as well to make sure that you are
24 feeling comfortable in continuing, if you are ready to do so.

25 THE WITNESS: (Interpretation) I am ready.

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(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0080

1 PRESIDING JUDGE STEINER: Thank you very much. Now the Defence is going
2 to continue with -- to start your questioning, I suppose Maître Liriss. So you have
3 the floor, Maître Liriss.

4 QUESTIONED BY MR LIRISS: (Interpretation)

5 Q. Good afternoon, Madam Witness.

6 A. Good afternoon.

7 Q. I am Maître Nkwebe Liriss. I belong to Mr Bemba's Defence team and I have
8 the honour this afternoon of questioning you to ensure that, in particular, thanks to
9 the answers and the additional information you will give the Court, the Court will be
10 able to take a decision in a fair and just manner. Did you understand what I was
11 saying, Madam Witness?

12 A. Yes, I have understood you.

13 Q. This afternoon we're going to start with two issues that are extremely easy, but
14 are related to statements you had already made to the Prosecutor's investigators. I'll
15 start with these issues so that not only you do not get tired, but also that you are not
16 forced to talk once again with an hour about issues that are extremely painful for you.
17 But before beginning, and should the court grant me its approval, we're going to ask
18 for a private session to settle a few, let's say, procedural matters that have to do with
19 your security given the questions I intend to ask. Your Honour.

20 PRESIDING JUDGE STEINER: Private session.

21 *(Private session at 2.13 p.m.) Reclassified as Open session

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

23 MR LIRISS: (Interpretation)

24 Q. Madam Witness, your Honour, my colleague Bifwoli have explained to you
25 what a private session is. You're used to the idea, you know that you can mention

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1 any name you would like. Nobody will hear you except the people here in this
2 room.

3 During this part of my questioning, I will certainly be led to talk to some statements
4 that have been made either by your husband or your two children who have come
5 here to testify. However, I will never be able to say "your husband" or "your
6 daughter" or your "granddaughter," for a very simple reason. Even such a
7 precaution, in my opinion, does not guarantee your security. In your area, there are
8 1,000 families that have come to The Hague to testify. The risk that you may be
9 identified is obviously very high. Do you understand what I'm saying, Madam
10 Witness, so far?

11 A. I understood you very well.

12 Q. Thank you, Madam Witness. That's why when talking about your husband I
13 will use an alias, "023." Did you know that he had this alias, this number?

14 A. No, I didn't know about that.

15 Q. In that case, can you read numbers, Madam Witness?

16 A. No, I can't count.

17 Q. But could you read the number 23, for instance?

18 A. Yes, I can read.

19 Q. And can you read the numbers 81 and 82?

20 A. Yes. Yes, I can read.

21 Q. I don't know what the Court's decision in this respect will be, but it might be a
22 good idea to position before you a paper with these three numbers, and under each
23 number the name of your family member. That would help you and you'd be
24 helped by sitting the person sitting next to you, and every time I asked you a question,
25 for instance, by saying, "This is what 023 said," I would make sure that you

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1 understand whom I'm talking about by asking you a question.

2 MR LIRISS: (Interpretation) Would that be all right, your Honour, to proceed in this
3 way?

4 PRESIDING JUDGE STEINER: I'm not so sure, Maître Liriss, on whether these
5 measures are necessary at this point in time. During the whole testimony given by
6 the witness, she referred many times to her husband and daughters that were victims,
7 but on the other hand, not the fact that they are witnesses as well. Has the
8 Prosecution any views on this topic?

9 MS KNEUER: Madam President, the Prosecution is likewise not as sure as your
10 Honours. It seems to be a kind of complicated approach and I'm not sure about the
11 necessity. So the Prosecution suggests to proceed in the ordinary way, and if it
12 comes up that it's relevant, then your Honours can take a case-by-case decision.
13 On the other hand, the idea of your Honours' ruling is already undermined because
14 Maître Liriss already exposed the witness, to a certain extent, by telling -- or by asking
15 this witness if she knew that her husband was assigned a certain code. That's the
16 submission of the Prosecution.

17 PRESIDING JUDGE STEINER: So to now the witness has testified on the fact that
18 her husband and children were victims, but even using this system of codes, now the
19 public will be aware that members of her family are witnesses as well. I'm not sure
20 if this is not going to expose the witness even more. I will consult my colleagues on
21 that.

22 Maître Liriss, the Chamber is convinced that this methodology that you propose is
23 not only maybe too complicated but, in a way, will expose the witness even more
24 because then everyone will be aware that these numbers are family members that
25 came to testify, and therefore the Chamber asks the Defence so the questions that are

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1 related to family members' statements will be put in private session.

2 MR LIRISS: (Interpretation) I understand, your Honour. Unfortunately, the entire
3 session might, in fact, be a private session. May I discuss this with my colleagues,
4 please?

5 Madam President, in this case I can therefore say, "That's what your husband stated."

6 All right. Well, then, your Honour, can we move into a public session -- an open
7 session, sorry.

8 PRESIDING JUDGE STEINER: Maître Liriss, let's make it clear, you are not going to
9 ask this kind of questions in public session.

10 MR LIRISS: (Interpretation) Sorry. We'll stay in a private session, yes.

11 Q. Madam Witness, I am taking into account all the relevant parameters that we
12 have been given with respect to your situation, but I'd like to ask you this question:
13 Are your memories solid enough to enable you to tell us who in 2002 was the head of
14 the state -- head of state in the Central African Republic?

15 A. It was Mr Ange-Félix Patassé.

16 Q. Exactly, you're right, Madam Witness. How did Mr Ange-Félix Patassé take
17 power, could you please tell me?

18 A. I wouldn't be able to tell you in which year he became president, head of state.

19 Q. Madam Witness, I'm not asking you to say which year he became head of state,
20 but how did he become head of state? How did he reach his position?

21 A. I don't know.

22 Q. In 1999, was an election held in the Central African Republic?

23 A. Yes, a presidential election was held.

24 MR LIRISS: (Interpretation) Your Honour, I've found a way of how to deal with the
25 thorny issue I was concerned with so we can now move into an open session.

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

2 (Open session at 2.28 p.m.)

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

4 PRESIDING JUDGE STEINER: Madam Witness, we are again in open session, so
5 please avoid mentioning names of family members or neighbours or any information
6 that could lead to your identification. Do you understand that, Madam? Have you
7 received interpretation?

8 THE WITNESS: (Interpretation) Yes. Yes, I've understood what you said.

9 PRESIDING JUDGE STEINER: Maître Liriss.

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

11 Q. Madam Witness, you said that in 1999 a presidential election was held in your
12 country. Could you tell me who was elected president of the Central African
13 Republic in this ballot?

14 A. The events you're talking about, that occurred in 1999, I can't remember exactly
15 when things occurred.

16 Q. Madam Witness, I'm not asking you for the date. A short while ago you said
17 that there was a presidential election in 1999; is that correct?

18 THE INTERPRETER: The Sango interpreter said he did not hear the answer.

19 THE WITNESS: (Interpretation) Was this the year before 2001?

20 MR LIRISS: (Interpretation)

21 Q. Yes, Madam Witness. Very well, I will rephrase the question. However,
22 I think it will be a little bit more difficult. What I wanted to know is whether
23 Mr Ange-Félix Patassé acceded to power in the same way that Mr Bozizé did in
24 2002/2003.

25 A. This person came to power after a presidential election. It was not as a result

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1 of a war.

2 Q. Thank you, Madam Witness. How was Mr Patassé chased from power in the
3 end?

4 A. He was not chased away. He was on a trip when Mr Bozizé took over power.
5 During that trip he thought that he would come back and resume his position, but
6 unfortunately for him Mr Bozizé took over power while he was still outside.

7 Q. So Mr Bozizé took over power without elections; is that correct?

8 A. That is correct.

9 Q. Is this the reason why, during the war between Mr Bozizé and Mr Patassé,
10 Mr Bozizé's troops were referred to as "rebel troops"?

11 A. That is correct.

12 Q. Madam Witness, please try to remember as much as possible. These troops
13 that were referred to as "the rebels," can you tell this Chamber who the soldiers were
14 who made up those troops?

15 A. The rebels suddenly arrived at PK12. I simply came across them just like that,
16 by chance.

17 Q. I agree, Madam Witness. What I would like to know is which were the various
18 groups that made up Mr Bozizé's army? Do you have an answer to that?

19 A. When he fled to the provinces he recruited a lot of people from there that he
20 brought back with him, but I do not know their origins.

21 Q. Were there people of Chadian origin amongst those troops?

22 A. It seems to me that there were Chadians amongst those troops, because there
23 were many people from various origins.

24 Q. Were there also former soldiers of the Central African Republic who joined
25 Mr Bozizé?

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1 A. I did not see them. Apart from those that he recruited on a massive scale in the
2 provinces, I was not able to tell whether they were former soldiers. I cannot tell you
3 whether some of them in his army were former soldiers.

4 Q. To your knowledge were there people there, or rather people who were living
5 amongst you, who were Congolese, that is from the former Zaire, who did petty jobs
6 there?

7 A. The shoe shiners were not interested in military service. They were only
8 interested in the minor occupations, particularly shoe shining.

9 Q. Were there also civilians amongst Mr Bozizé's troops; I mean by that people
10 who were not wearing uniforms?

11 A. Yes, some of those who came with him were wearing military uniforms, while
12 others were not. I do not know who gave them those uniforms, since we were in
13 Bangui.

14 Q. Madam President (sic), to your knowledge, all those rebel troops made up of
15 the people that you have referred to, who was their leader?

16 A. Bozizé was their leader, because he was the one who brought them.

17 Q. That is correct, Madam Witness. Bozizé was the leader of the rebels. He was
18 the one at the head of the entire group. I know that you are not familiar with
19 military matters, but hopefully your memory will help the Chamber to understand
20 some of the events. I want to speak now about the soldiers of the Central African
21 Republic. To begin with, how are they called?

22 A. I do not know how they are called, but they are referred to as soldiers.

23 Q. Does the word "FACA" mean anything to you?

24 A. I do not know. Are FACAs whites, or blacks? I wouldn't know what to say.

25 Q. Very well, Madam Witness. You saw the soldiers of your country. Did you

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1 know any of them who wore green berets and who were referred to as "GPs"; that is,
2 the presidential guard soldiers?

3 A. Yes, I know them.

4 Q. Did you know others who wore red berets and who belonged to another
5 company?

6 A. Those who were wearing red berets were the Banyamulengues. That is what I
7 saw with my own eyes. They were wearing red berets and green military fatigues.

8 Q. Very well, Madam Witness. We are going to talk about the Banyamulengues,
9 but my question to you is this: Was there a group amongst the Central African
10 Republic forces whose members wore red berets?

11 A. Sometimes you had soldiers who wore green berets and also red berets. There
12 were others who wore yellow armbands, but I cannot tell you to which group they
13 belonged.

14 Q. Were there also gendarmes amongst the Central African Republic armed forces?

15 A. Yes, there were gendarmes and they also had their own berets.

16 Q. We have talked about soldiers who wore red berets like the Banyamulengues.
17 We have talked about those who wore green berets from the presidential guard. We
18 also talked about the gendarmes. Who was the commander of all those forces,
19 Madam Witness, and I am referring here to the year 2002?

20 A. In 2002, when Bozizé took over power, he was their leader.

21 Q. And before Bozizé took over power, Madam Witness, who was the commander
22 of all those soldiers?

23 A. I wouldn't know, counsel.

24 Q. Madam Witness, Bozizé came to power in 2003, but in 2002 during the war
25 between the troops of Mr Bozizé and the other troops - and I'm not referring here to

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1 the Banyamulengues, that is Bozizé and the other Central African troops - who was
2 the commander of the other Central African troops; that is, those who wore the green
3 berets, the red berets and the gendarmes?

4 A. I do not know who was their commander.

5 Q. A short while ago you mentioned the Banyamulengue. Which side were they
6 fighting on? Were they on Mr Bozizé's side or on Mr Patassé's side?

7 A. They came to reinforce Mr Patassé because he was the one who appealed to
8 them to come and help him.

9 Q. Who was in command of the Central African forces who had remained faithful
10 to Patassé and the Banyamulengues who had been called in to support Patassé?

11 A. There was no one. Bozizé had already fled. I do not know who became their
12 leader after that.

13 Q. I'm sorry, my mistake. I am going to rephrase my question.

14 The Banyamulengues were called in for support by President Patassé; is that correct?

15 A. Yes, that is correct.

16 Q. The Banyamulengues came to reinforce the Central African Army that was
17 faithful to Mr Patassé; is that correct?

18 A. Yes.

19 Q. Now my question is as follows: The Banyamulengues who came to reinforce
20 the Central African Army, as well as that Central African Army, who was their
21 Commander-in-Chief?

22 A. They were also under Patassé's orders.

23 Q. Thank you, Madam Witness. Why do you say that the Banyamulengues in the
24 Central African Republic were under Mr Patassé's command?

25 A. But he's the one who called them; it is only logical that he should be

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1 commanding them.

2 Q. How did Patassé issue orders to the Banyamulengue in your neighbourhood,
3 given that he was in Bangui; that is, if you know.

4 A. The rebels were like Patassé's enemies. That is why Patassé called the
5 Banyamulengues to fight against those rebels.

6 Q. To your knowledge, did Patassé have subordinate officers in Begoua who
7 received orders from him to be transmitted to the Banyamulengues?

8 A. I do not know, Counsel.

9 Q. Madam Witness, I'm going to read out to you a statement that you gave to the
10 investigators. The reference of the French version is CAR-OTP-0034-1012_R02. The
11 English version is 0028-0183, page -- I cannot find the page in the English version.

12 PRESIDING JUDGE STEINER: It's 0189.

13 MR LIRISS: (Interpretation) Much obliged, Madam President.

14 Q. The investigators of the OTP asked you the following question: "Do you know
15 who was the leader of the Banyamulengue in PK12?" And your answer was as
16 follows: "They had a leader, but I do not know his name. Sometimes when they
17 did those bad things he would warn them but he was speaking in their language."
18 The next question to you was this: "How did their leader look like?" And your
19 answer was: "He is from here."

20 Do you remember that statement, Madam Witness?

21 A. Yes, I do remember. The events took place a long time ago. I must have
22 forgotten certain details.

23 Q. Let me read out to you another excerpt.

24 PRESIDING JUDGE STEINER: In the meantime, just for comment, it was page 191
25 from the English version.

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1 MR LIRISS: (Interpretation)

2 Q. Madam Witness, I'll read out a statement made by a witness here simply to
3 corroborate what you have just said. It is real-time transcript document number
4 0175-0108-201 of February 2011 or, rather, of 21 January 2001. It is the edited version.
5 And the English reference is ICC-01/05-01/08-T-51 of 21 January 2011. It is page 11
6 of the edited English version, lines 21 and onwards. And in the French version, it is
7 page 11, lines 28 and onwards.

8 (Pause in proceedings)

9 PRESIDING JUDGE STEINER: Sorry, Maître Liriss. It was not our intention to
10 interrupt your questioning. Apparently, there is a problem, a difference between the
11 English version of the statement, the quotation you made before, and the French
12 version. In the French version, when the question was:

13 "A quoi ressemblait leur chef?" The answer, "Il est d'ici." In the English version,
14 the 0191 that I referred to, "How did their chief look like?" "He is from there."
15 So maybe this is something that needs to be clarified what exactly the witness meant.
16 So if you could please go back to your previous quotation for clarification. Sorry,
17 Maître Zarambaud, maybe you can help us.

18 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. That is precisely
19 what I wanted to say because I saw the question "How did their chief look like?"
20 And in French, the answer is "He is from here." The answer can be interpreted as he
21 comes from here or he is actually to be found here. That's OTP-0034-1238. On the
22 same document reference is made to him as the head of the Banyamulengues. "How
23 do you know that the Banyamulengue leader warned them?" "It was when they
24 were (Redacted)" and so on and so forth. So the answer is, "He is from here."
25 And then further reference is made to a person who is there as the leader of the

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1 Banyamulengues. So there is a confusion there that the witness can clarify. Thank
2 you.

3 MR LIRISS: (Interpretation) Madam President, I believe a decision has to be taken
4 here. On several occasions, the legal representatives have been interfering in the
5 examination. I have not even arrived at any conclusion whatsoever and I know the
6 order in which I am asking my questions, and the legal representative is already
7 going into the substance of what I am supposed to be saying. Several times it is my
8 learned friend Mr Zarambaud who has been trying to interpret what the witness said
9 or did not say. I know why I did not ask the question "What do you mean by 'he is
10 from here'?" I knew at what time I would want to come back to this.

11 The simplest question was to know whether there was a leader who was above all the
12 Banyamulengue leaders in PK12. The witness answered that there was one, and that
13 is enough for me, and I was to move on to the next question, before which I wanted to
14 confirm what the witness had said, using a prior statement of another witness to
15 corroborate what the witness had just said. That is why I gave you the references of
16 the transcripts. And finally, I would go on to ask her the question as to why -- or,
17 rather, what she means by "he is from here."

18 PRESIDING JUDGE STEINER: Maître Liriss, sometimes Maître Zarambaud is just
19 calling the attention of the Chamber for some problems related to translation. So the
20 Chamber sees no prejudice to the Defence if, as the case now just mentioned, the
21 Chamber realised that there is a problem between the French and the English
22 translation. But, in any case, your objection is noted. And I ask, please, legal
23 representatives, whenever you have any comment in relation to translation, this
24 comment is welcome, but nothing more than that.
25 You can proceed, Maître Liriss.

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1 MR LIRISS: (Interpretation) Thank you, your Honour.

2 Q. So, Witness, you confirmed the testimony according to which there was a chief
3 above all the other chiefs of the Banyamulengue. I just wanted to corroborate what
4 you said, it was correct with another statement of another witness which I shall read
5 to you. You can tell me if this testimony, or this statement, accords with yours or
6 whether I am wrong here.

7 Your Honour, I gave you the reference in French and in English of this transcript. In
8 English, it's transcript of 21 January 2011, page 11 thereof, line 21, transcript edited
9 version. In French, it's from line 28. Witness -- a witness to whom we -- there's a
10 witness to whom we ask the following question: "You stated just now that
11 Moustapha reported to a chief at a higher level than himself. To which chief or
12 leader did he report to?" The witness replied, "The chief in question was their Chief
13 of Staff who was at the school."

14 Do you think that this statement accords or is in agreement with what you have said,
15 which I claim to be the case?

16 A. Yes, that is it. I repeat that the events date back to a long time ago. That's
17 why I forgot to tell you that.

18 Q. Perfect. Thank you very much, Madam. So you stated that this chief, Chief
19 of Staff, is from here. What do you mean by that?

20 A. He's not from here. He spoke Lingala. I made a mistake when I said he was
21 from here. If he was from here, he would have spoken Sango, but he spoke Lingala.
22 Do you understand?

23 Q. You also stated that you had personally seen him, and I shall read this, read
24 your statement in this regard. In the same document 1014, English version -- it's the
25 same version but I don't have a page number, unfortunately.

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1 PRESIDING JUDGE STEINER: It is page 0193.

2 MR LIRISS: (Interpretation) Thank you, your Honour.

3 Q. This is what the investigator asked you as a question: "I would like to know if
4 you personally saw the chief of the Banyamulengue." In answer to that you said, "I
5 saw him but I did not speak to him and that is the reason why I do not know what his
6 name is." Is that correct, Witness?

7 A. But who is, therefore, their chief? The chief is the president of their country.
8 Is that what you want to ask me?

9 Q. No. I would like to know if this famous chief who is above all the other
10 Banyamulengue chiefs who were in the Central African Republic, who we've just
11 spoken about, if that is a person that you saw personally, as you state in your
12 testimony. In fact, I want to know if you confirm what is written in that statement.

13 A. But how can you recognise a chief? The chief is the person who tells children
14 off when they do something bad. Now, this person was telling his troops off. He
15 was giving them orders. This doesn't mean that -- doesn't that mean that that person
16 is the chief?

17 Q. Furthermore, you added the following to that on the same page -- or the same
18 document, rather, page 9 thereof -- page 1012_R02, at least in the French version
19 thereof. Question from the investigator, "Did he have a distinctive sign on his
20 uniform which would indicate that he was the chief?" Answer: "I didn't look at all
21 that. I recognised that person as their chief because this was the person giving them
22 the orders and he was the person telling them off as well."

23 And further, afterwards, you say that you can recognise a chief by the fact that he is
24 wearing a medal. "Do you confirm that?" I haven't finished my question, Madam.
25 The question was to know whether he was wearing a distinctive sign on his uniform.

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1 A. I didn't try to know all that. I can't tell you any lies in that regard. What I do
2 know is that when these people were behaving badly, that person corrected them.

3 But I didn't try to find out if that person was wearing a medal or not.

4 PRESIDING JUDGE STEINER: Maître Liriss, sorry to interrupt you. Madam

5 Witness, the interpreter is asking you, please, to slow down, to speak a little bit

6 slower, and the same is being asked, from Maître Liriss. Speak a little bit slower and

7 give some time between the answer and the following question, please.

8 MR LIRISS: (Interpretation) Thank you very much, your Honour.

9 Q. Witness, I'm on page 1016 of this document in French and I would like to repeat
10 what you said. "The chief of the Banyamulengue, was he wearing a distinctive sign
11 or insignia on his uniform?" I'm not asking you the question, I'm reading the
12 question that was put to you. You stated -- you answered as follows, "You recognise
13 a chief by the medals that he is wearing." Do you confirm this testimony, this
14 statement?

15 A. I wasn't trying to see whether this person was wearing a medal or not. What
16 I was trying to do was -- I could see that that person was telling him off. He was
17 giving them orders, and that is how I was able to see whether that person was their
18 chief or not.

19 Q. We are going to talk about the warnings and we're going to talk about the
20 tellings off, the reprimands, that's something that we will talk about, but what is
21 important here - at least the question that I wanted to ask you now - is if you
22 recognise, having stated -- if you confirm, having stated to the investigators that a
23 chief could be recognised by the medals that that person was wearing?

24 A. I did not try to know all of that. You know, these events date from a very long
25 time ago; as such, I cannot remember them all.

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1 Q. I think that my question isn't well put. It's my fault. I am not asking you,
2 Madam Witness, to tell me if that person was wearing medals, I'm informing you that
3 you had stated that you had recognised that person because he was wearing medals.
4 That is the reason why I ask you if you confirm this statement or not?

5 A. Among all those who came, the one who was larger than them and who gave
6 them orders was the person who commanded them, to my knowledge. When they
7 behaved badly he reprimanded them, and it was that which led me to know that that
8 person was the chief.

9 Q. Madam, once again I'm not trying to question what you've said, that it was the
10 person who was higher than everyone else. All I am trying to know is if you
11 confirm that that person had medals? This is an important question for the
12 identification.

13 A. According to the information that we received, we learnt that their president
14 had come, he had come by plane, and he had brought them together at the school in
15 order to scold them, to reprimand them, with regards to the pillaging, and after that
16 he left and it was because of that that I was made aware of all of that, or at least that's
17 what I learnt. I heard that he came on a helicopter and that he reprimanded them
18 before leaving again.

19 Q. Madam, you stated - and you say that you confirm this - that you saw the
20 highest level Banyamulengue who was commanding all the others in PK12. You
21 stated, furthermore, to the investigator that this high level person is somebody that
22 you recognised by his medals. I'm not talking about the arrival of Mr Bemba. My
23 question is now as follows: Can you describe these medals, or what do you
24 understand by medals? Please look at me. These medals, were they there? Were
25 they here? Please, please, if you could look at me. Were they here, or rather were

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1 they in the pockets, or were they on the shoulders here? Are these what you call
2 medals?

3 A. I have no information with regards to the medals. I may have made a mistake
4 in saying that. I don't know. What I do know is that he was reprimanding them.
5 I don't know all that.

6 Q. Let's move on. Let's just say you don't recognise what you said. Now,
7 speaking about the warnings that this chief who was from here, the warnings that
8 this chief gave to his troops, you said sometimes he warned his troops. What did
9 you mean by warnings?

10 A. But how -- how could he not reprimand them? He was their chief. When a
11 chief is among the children and when they behave badly, it's normal that the chief
12 corrects them. I saw their behaviour and this is what made me state that.

13 Q. So when you say he warned them, they were reprimands; is that correct?

14 A. Yes, because they had gone too far in the pillaging and that's why he as
15 well -- he got angry. That was the way it went. He reprimanded them. He also
16 spoke about their behaviour, threatening people with weapons.

17 Q. In addition to reprimands, did he also take sanctions, this chief from here?

18 A. I made a mistake when I said he was from here. He's not from here. If he
19 was from here he would have spoken Sango, but he only spoke Lingala. That means
20 that he was from the other side of the river. What do you want? Can nobody make
21 a mistake here?

22 Q. Madam, please don't get angry. When I say "This chief from here," it's just to
23 remind you of who we are talking about. Please do not get angry. Please don't get
24 annoyed with that. I am trying to carry out my work and I know that you are tired.
25 I know what happened to you and I do take account of that, please believe me. I just

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1 wanted to know if, in addition to the reprimands, he also took other sanctions?

2 A. Sometimes he sanctioned people, particularly the smallest. The smallest ones
3 were very capricious, or the youngest ones. He was always ready to point -- or they
4 were always ready to point their guns at people and that's why he reprimanded
5 them.

6 Q. Thank you very much for that. What type of sanctions did he take; I mean,
7 from what you heard and saw?

8 A. Sometimes he ordered them back to base, because he didn't like such behaviour.

9 Q. Madam Witness, earlier you told us that the person who was their chief, the
10 person who commanded them all, was Mr Patassé, President Patassé. Can we
11 conclude therefrom that President Patassé commanded the Banyamulengue, or gave
12 instructions to the Banyamulengue, through this chief who I -- I call "The one from
13 here" to remind us of that? Is it correct to say that it is through this chief that the
14 President Patassé gave his instructions and his orders to the Banyamulengue?

15 A. I didn't speak about a chief from here. I wanted to speak about a chief from
16 the other side. Can nobody make a mistake here? I didn't want to speak about a
17 chief from here.

18 JUDGE ALUOCH: Mr Liriss.

19 MR LIRISS: (Interpretation) I shall speak no more on that.

20 JUDGE ALUOCH: Mr Liriss, excuse me. I think it's important for the witness to
21 know that the English version of her statement says "A chief from there," whereas the
22 French -- as Madam President said, the French says "from here." So there are two
23 different versions of that, "here" and "there." Thank you.

24 MR LIRISS: (Interpretation)

25 Q. Okay. What I want to know, Madam, the chief who we were speaking about,

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1 is it correct to say that Patassé, who commanded all of them as we've understood,
2 directed the Banyamulengue by giving his orders via this chief?

3 A. But I didn't see him. I can't lie. I didn't see him when he spoke to his men.

4 Q. Who are you talking about at the moment, Madam? Perhaps I put my
5 question poorly. You remember --

6 A. You asked me the question of whether it was Patassé who gave orders to the
7 chief of the Banyamulengue to behave in that way. I answered you by saying that I
8 hadn't see him. He sent people into the field and they did what they wanted to do.

9 Q. Witness, I shall stop with these questions. I shall now go straight on the basis
10 of your statement. I'd like to remind you of your statement on the same page,
11 0034-0994_R02-0994. Question -- you stated to the investigators the following, "You
12 stated previously ...", and it is the investigator who put a question to you, "... that
13 Patassé had sent the Banyamulengue in order to destroy PK12. How do you know
14 that?" That is the question which the investigator put to you. Now, in answer to
15 that you said, "We know that because it was said that the people from PK12 were
16 sheltering rebels and that is the reason why he called the Banyamulengue to come
17 and destroy PK12."

18 Do you confirm that statement?

19 A. Yes.

20 Q. Furthermore, you confirm that it is Patassé who gave the order to the
21 Banyamulengue to attack PK12; is that not correct?

22 A. But it was him. He called them and he gave them uniform. He gave them
23 weapons to go and fight.

24 Q. Thank you, Madam. Was it also Patassé who had the military intelligence
25 according to which there was a rebel presence in PK12; is that correct?

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1 A. Yes.

2 Q. Thank you, Madam. The investigator continued with another question on the
3 same page: "Why did Patassé think that the people from PK12 were rebels?" To
4 which you answered the following: "In fact, the rebels were his enemies and that is
5 the reason why he called the Banyamulengue to fight the rebels. When the
6 Banyamulengue came they didn't know PK12 so they pushed us to PK22 and fought
7 the rebels there."

8 Do you also confirm this statement?

9 A. Yes, that's what I said, because they started searching houses, raping people.
10 They started in PK12, but they didn't fight in PK12. It's in PK22 that they had to
11 fight.

12 Q. I'm not talking about the rapes, Madam Witness; I'm just talking about
13 military intelligence for the time being.

14 A. But that's what I'm telling you. They started committing crimes here and went
15 on all the way to PK22 and then they fought the rebels in PK22. That's what I'm
16 trying to explain to you.

17 Q. Who guided them to PK12, Madam Witness?

18 A. When they came, well, I don't know who helped them get there. There were a
19 group.

20 Q. But referring to your statement, who led them to PK12, given the statements
21 you've confirmed? Was it Mr Bozizé? I apologise. You might believe these
22 questions are boring and repetitive, I know and I understand you. However, believe
23 me, they are important so please do not get annoyed. Just answer me. I know
24 you've already answered this question, but could you repeat your answer? Please,
25 who led them to PK12? It was Mr Patassé, wasn't it?

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1 A. Well, it has to be the person who called them and gave them uniform. One
2 would expect him to have told them where to go.

3 Q. Madam Witness, could you please tell us who that person is?

4 A. Patassé.

5 Q. Thank you very much, Madam Witness. I'm sorry that I have to keep on
6 asking you these questions.

7 (Pause in proceedings)

8 PRESIDING JUDGE STEINER: Maître Liriss, I'm really sorry but because we started
9 earlier today I forgot completely that we were supposed to finish at 3.30, so we'll have
10 to continue tomorrow: I'm really sorry.

11 MR LIRISS: (Interpretation) Nothing to apologise for, your Honour. Thank you
12 very much. Madam Witness, we will cross tomorrow, but please do not get angry
13 when I ask these questions. They are important, believe me. I am not asking
14 questions to annoy you but to find out the truth. Thank you very much.

15 THE WITNESS: (Interpretation) I didn't get annoyed. This is what I've come here
16 for, to testify, and I cannot lose my cool.

17 PRESIDING JUDGE STEINER: Thank you, Madam Witness. I do apologise for our
18 interpreters and court reporters. Since we started at 2 o'clock, we have to finish now.
19 I would like to thank very much for Witness 80. We are going to adjourn the
20 hearing now. We wish you a nice evening, a good sleep and we will continue
21 tomorrow morning at 9.30 in the morning.

22 I thank the Prosecution team, the legal representatives of victims, the Defence team,
23 Mr Jean-Pierre Bemba Gombo, our interpreters and court officers.

24 We are turning into closed session in order for the witness to be taken outside the
25 courtroom and, in the meantime, we are going to adjourn and we'll resume tomorrow

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1 morning at 9.30. Thank you very much, Madam Witness.

2 *(Closed session at 3.36 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 3.37 p.m.)

7 CORRECTION REPORT

8 The Court Interpretation and Translation Section has made the following correction

9 in the transcript:

10 *Page 5 line 20

11 "...where they came from?" Is corrected by "...where he came from?"

12 RECLASSIFICATION REPORT

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

14 2012, and the instructions in the email dated 24 September 2013, the version of the

15 transcript with its redactions becomes Public.