

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0079

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Situation: Central African Republic

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

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki

6 Trial Hearing

7 Tuesday, 1 March 2011

8 (The hearing starts in open session at 9.35 a.m.)

9 THE COURT USHER: All rise. The International Criminal Court is now in session.

10 Please be seated.

11 THE COURT OFFICER: Good morning, your Honours, Madam President. We are in

12 open session.

13 PRESIDING JUDGE STEINER: Good morning. Could, please, the court officer call the

14 case.

15 THE COURT OFFICER: Situation in the Central African Republic, in the case of The

16 Prosecutor v. Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.

17 PRESIDING JUDGE STEINER: Thank you very much. Good morning. Welcome

18 Prosecution team, the legal representatives of victims, the Defence team, Mr Jean-Pierre

19 Bemba Gombo. Good morning to our interpreters and court reporters.

20 We will continue this morning with the questioning of Witness 79 and for that purpose I

21 ask, please, the court officer to turn briefly into closed session in order for the witness to

22 be brought into the courtroom.

23 *(Closed session at 9.36 a.m.) Reclassified as Open session

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

25 (The witness enters the courtroom)

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1 WITNESS: CAR-OTP-PPPP-0079 (On former oath)

2 (The witness speaks Sango)

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

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

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

10 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony,
11 madam?

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

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

15 THE WITNESS: (Interpretation) I understand.

16 PRESIDING JUDGE STEINER: I also wanted to remind you that you are under
17 protective measures; that your voice and your face are being distorted in the broadcast
18 outside the courtroom so nobody can identify you. In order to keep the protection of
19 your identity, it is important that when we are in public sessions you don't mention
20 names of family members, of neighbours, that you don't give any information that could
21 lead to your identification. If need be, we can go into private session and in private
22 sessions you can speak freely because nobody outside the courtroom can hear you. You
23 understand that, madam?

24 THE WITNESS: (Interpretation) I understand perfectly well.

25 PRESIDING JUDGE STEINER: And finally, Madam Witness, I want to remind you that

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1 at any time you feel tired, or distressed, or you need a break for any reason, just let us
2 know and you can have as many breaks as you want. Is that fine with you?

3 THE WITNESS: (Interpretation) Yes, that is fine.

4 PRESIDING JUDGE STEINER: So the Prosecution is now continuing with your
5 questioning and, please, as we said yesterday, try to speak slowly in order to allow the
6 interpreters to follow you. Ms Bala-Gaye, you have the floor.

7 MS BALA-GAYE: Thank you, Madam President, your Honours.

8 QUESTIONED BY MS BALA-GAYE: (Continuing)

9 Q. Good morning, Madam Witness.

10 A. Good morning, madam.

11 Q. I would like to thank you very much for your assistance yesterday in helping us to
12 understand what was happening in the Central African Republic at the time. Just to
13 recap a little bit, yesterday before we left off you told us that the rebels were in your area
14 and that after continued shooting for one week, they all departed from your area. And
15 for the benefit of everyone in the courtroom I'm referring to yesterday's transcript, the
16 edited version; that is transcript number 76 at page 56, lines 17 to 20.

17 Now, Madam Witness, before I move on to what happened - if at all anything - after the
18 rebels left your area, I would like to ask you a few questions about what you told us about
19 the rebels; would that be fine with you, Madam Witness?

20 A. Yes, I agree. Please proceed with your questions.

21 Q. Now, regarding the rebels that came to your area, do you know if these rebels had a
22 leader, Madam Witness?

23 A. I do not know their leader. What I know is that the rebels arrived and they were
24 fighting the Head of State.

25 Q. Did you at any point come to later on learn who the leader of the rebels was?

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1 A. At that time, I believe it was the Head of State at the time who was their leader.

2 Q. Madam Witness, I just want to seek some clarification from you. Who was the
3 Head of State at the time?

4 A. The current Head of State of the Central African Republic was their leader.

5 Q. And do you know who the leader was of the Central African Republic, that is to say
6 the Head of State, during the events? I am not referring to the leader of the rebels. I'm
7 referring to the Head of State of the Central African Republic at the time.

8 A. Do you want me to mention his name?

9 Q. If you know his name, Madam Witness, please do.

10 A. His name was Patassé.

11 Q. Madam Witness, do you know what the reaction of Patassé's government was to
12 these rebels that were shooting in your area?

13 A. When the rebels arrived, they were firing. They were at the barrier in PK12 and
14 they were shooting in the direction of Bangui, and those - the others - were shooting in the
15 direction of PK12. Two days later, a plane started over-flying PK12 and was dropping
16 bombs on the members of the population.

17 Q. The people, the others that you mentioned who were shooting from Bangui towards
18 PK12, do you know who they were, Madam Witness?

19 A. As far as I know, those were the soldiers of the Head of State, Patassé, who were
20 shooting in the direction of PK12.

21 Q. My last question on this particular issue, Madam Witness, is do you know the
22 language that the rebels that came to your area spoke?

23 A. Some of them were speaking Arabic, while others spoke Sara and others spoke the
24 language spoken in the Central African Republic. There were still others who were
25 speaking a language that I did not know.

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1 Q. Just for our benefit, Madam Witness, what is the language of the Central African
2 Republic?

3 A. They were speaking Sango.

4 Q. How do you know that these were the languages that the rebels spoke, Madam
5 Witness?

6 A. But they were speaking those languages in the street and everyone could hear them
7 speaking that language.

8 Q. Did you personally hear them speak this language, Madam Witness?

9 A. Yes, I heard them speaking Sango.

10 Q. I would now like to move to the period when the rebels left your area. My
11 question for you, Madam Witness, is this. After the rebels left your area, did you see any
12 other group in your area?

13 A. Yes, I saw them. After the withdrawal of the rebels, I saw other soldiers arrive after
14 them. They took the main road towards PK22. They were in a column and they were
15 equally armed, but they were not shooting.

16 Q. This group that you saw, Madam Witness, do you know what they were called?

17 A. They were referred to as the Banyamulengue.

18 Q. Are you able to tell us who the Banyamulengue were, Madam Witness?

19 A. Those Banyamulengues came from Zaire. They were Bemba's men who had been
20 sent to the Central African Republic.

21 Q. Madam Witness, how do you know that these men were in fact Mr Bemba's men?

22 A. They arrived in the country and they were speaking the language of the Zaireans.
23 People said that those people had been sent by Bemba in order to reinforce the soldiers of
24 the President of the Republic, but they were speaking Zairean.

25 Q. Madam Witness, before I start asking you questions about the language that they

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1 spoke, my question is where were you when these men, the Banyamulengue, arrived in
2 your area?

3 A. I was at home in PK12. (Redacted) I saw
4 them. This is not something that was told me by someone else.

5 Q. Do you recall how many Banyamulengue you saw in your area, Madam Witness?

6 A. As I have already told you, there were many of them. The day of their arrival they
7 were moving in a column, but I cannot give you the exact number.

8 Q. Can you describe to us these Banyamulengue that you saw in your area, Madam
9 Witness?

10 A. I have told you. How do you want me to tell you? They are human beings like us.
11 They were wearing green military uniforms. Some wore red berets, others were wearing
12 green berets, others were wearing caps. Some were short, while others were rather tall.

13 Q. That is very helpful for us, Madam Witness. These men that you saw, were they
14 carrying anything with them?

15 A. When I saw them, they were armed. I did not notice any other thing in particular;
16 at least anything that they were carrying.

17 Q. You have told us that they were speaking the language of Zaire. Madam Witness,
18 do you know what this language is called?

19 A. I do not know. However, the Zaireans that we used to employ spoke that language.
20 We heard them speak it and we were able to pick up certain words, such as "Yaka, Yaka."
21 That is what I know.

22 Q. You mentioned that you heard this language from people you used to employ.
23 Madam Witness, who used to employ these people, for the sake of clarity?

24 A. As I have been telling you, I myself have an employee, who (Redacted)
25 (Redacted). I do not understand their language, but there are a few words that I know, such

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1 as "Yaka."

2 Q. Madam Witness, when these Banyamulengue arrived in your area on the first day,
3 did they do anything when they arrived?

4 A. On the first day of their arrival, they were walking on the main road. They did not
5 shoot. When we saw them we were frightened, but they did not do anything to anybody
6 on that day, or on that night in any case.

7 Q. Madam Witness, can you help us, please, how were you able to distinguish between
8 the rebels that first came to your area and the Banyamulengue that we are speaking about
9 now?

10 A. The rebels arrived; they spent one week. They took the main road, they didn't go
11 into the neighbourhoods. They wore military uniforms, so I could recognise them.
12 After they withdrew, there was nobody left. Everything was quiet. They left the
13 neighbourhood at about 2 p.m. Sorry, they left the neighbourhood at about 4 a.m., and
14 at 4 p.m. the Banyamulengue entered the neighbourhood.

15 Q. After the arrival of the Banyamulengue in your neighbourhood, Madam Witness,
16 did you see any other group in your area, apart from the Banyamulengue?

17 A. I didn't see any other groups of soldiers; there were just the Banyamulengue. I
18 didn't see any other groups.

19 Q. Madam Witness, I would now like to go back to something you told us yesterday
20 and ask you some further questions. Yesterday you told us that your husband was shot
21 at PK13 during the events, and I'm referring to the edited version of yesterday's transcript
22 at page 46, line 25 to page 47, line 1. Madam Witness, I would just like to ask you very
23 few questions about this incident. Do you know who killed your husband at PK13,
24 Madam Witness?

25 A. The person who killed my husband was Miskine and the Banyamulengue who were

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1 accompanying him in PK13. My husband was not the only one who was killed; there
2 were other people.

3 Q. Madam Witness, how do you know this information?

4 A. I was at home. I took a small path to try to find out what was happening, and a
5 man - a Central African - came towards me. He was coming from the livestock market,
6 and he told me, you Muslims -- the people have killed Muslims in the livestock market
7 and they will -- then they will come here, but they have killed Muslims who were at the
8 livestock market.

9 Q. Madam Witness, do you know if what happened to your husband at PK13 took
10 place before or after the arrival of the Banyamulengue in your area?

11 A. As I've just said, the Banyamulengue came on a Wednesday. Then the night
12 passed, and the following day was a Thursday; and it was on that Thursday that the
13 Banyamulengue were deployed. Some stayed in PK12; some in the neighbourhoods.
14 They were threatening the population and carrying out violent acts against the population.
15 We stayed at home. After that, I went out and a man - a Central African - came from
16 *PK13. He came running and he gave me the information about what was happening at
17 PK13.

18 Q. Thank you for your assistance, Madam Witness, in this regard. You told us that on
19 the day that the Banyamulengue arrived in your area they didn't do anything on that day.
20 My question for you now is this, Madam Witness: Did anything happen to you,
21 personally, during this period?

22 A. Yes, something happened to me personally, and to my daughter.

23 Q. Madam Witness, can you please help us by telling us what happened to you during
24 this period?

25 A. What happened to me, personally, I will tell you about. On the Saturday night, I

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1 was sleeping; I was with my children. I spent the night in the living room, and my
2 children and the children I was responsible for were in the bedroom. At about 8 p.m.
3 people knocked at the door. When I got up, they'd already broken down the door.
4 After that, they entered the house. I got up. I was very frightened. There were five of
5 them. There was no electricity; everything was dark, but they had -- they had flashlights,
6 and they pulled me from the bed and threw me down to the ground, and they threw me
7 on the ground and then they undressed me. One of them first slept with me; the other
8 one had his gun pointed at my temple. And the first one, after he'd slept with me, got up
9 and then left. Then a second man took his place.

10 And two others entered the bedroom where one of my daughters was sleeping. She was
11 (Redacted). She was deflowered; she was raped. This girl who was under age was
12 raped. The other children who were in the bedroom wanted to shout, to cry and shout
13 out, and the soldiers said, "Don't make a noise or we will shoot you."

14 So they did their evil deed, and then when they left they looted our house. They took
15 suitcases and the fridge; and even the possessions of my brothers, who were in their
16 homes, they took all these possessions.

17 Q. Madam Witness, thank you very much for what you have just told us. With your
18 permission, I would like to go back and just ask you a few follow-up questions so that the
19 Judges can better understand exactly what these men did to you and your daughter. Do
20 I have your permission to continue, Madam Witness?

21 A. Yes, you can put your questions to me.

22 Q. You mentioned that five men came to your home at night. Madam Witness, do you
23 know who these five men were?

24 A. They were -- these five men were Banyamulengue.

25 Q. When they broke into your home, Madam Witness, apart from the flashlights that

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1 you have just told us about, were they carrying anything else?

2 A. They were carrying their weapons; they were armed.

3 Q. How many of these five Banyamulengue were armed, Madam Witness?

4 A. Those who entered my house were carrying arms. All of them were carrying
5 weapons.

6 Q. You told us that it was at night. It was dark but they were carrying flashlights,
7 Madam Witness. Could you see them clearly when they entered your home?

8 A. It was dark. I couldn't recognise them but they were -- they had flashlights in their
9 hands.

10 Q. You told us that when they entered your home, Madam Witness, you were sleeping
11 in the living room and the children were in the bedroom. Did these men say anything to
12 you when they entered your home?

13 A. No, they said nothing to me. When they came in, they pulled me out of the bed
14 and threw me to the ground, but they didn't say anything.

15 Q. You told us that after they put you to the ground and two of them slept with you,
16 Madam Witness. You also told us that two went into the bedroom. My question is:
17 At this time where was the fifth Banyamulengue?

18 A. I spoke of two men who slept with me. The two others were standing up, and two
19 others went into the bedroom. The first one slept with me, then the second man slept
20 with me, but there was another man who did not beat me; he just pointed his gun at me.

21 Q. Madam Witness, I would now like to ask you some questions in relation to each of
22 the two Banyamulengue that slept with you. My question to you is this: When you say,
23 "slept with me," can you please describe for us what the first Banyamulengue did to you?

24 A. They slept with me. They pulled me out of bed. They threw me to the ground.
25 They took off my clothes and they slept with me. They used the female parts of my

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1 body.

2 Q. Madam Witness, it is not my intention to make you feel uncomfortable. However,
3 I do have very few follow-up questions in relation to that because there are some elements
4 that we are required to prove so that everyone in the courtroom is very clear on what
5 happened. You told us that they slept with your female part of your body. My
6 question is: Which part of his body did the first Banyamulengue use?

7 A. Well, how does a man sleep with a woman? He used the male part of his body.

8 Q. Madam Witness, what did he do with his male part of the body?

9 A. I don't know how to explain this. He took his clothes off. He slept with me as a
10 man sleeps with a woman, and then he got up and another took his place and did the
11 same thing.

12 Q. How did you feel at that point, Madam Witness?

13 A. I was -- I was thinking of the death of my husband. I'd learned -- I'd found out that
14 my husband had been killed. I was thinking about my husband. I hadn't been able to
15 see his corpse. I was thinking of my husband lying dead. When my husband was
16 killed, I didn't know about it. We were, in our family, mourning him. We were all
17 indoors when these men came in. I don't know how to explain this. It was very
18 difficult to bear this.

19 Q. Madam Witness, did you sustain any physical injuries as a result of what the first
20 Banyamulengue did to you?

21 A. When he slept with me, after that, I suffered a lot. They also deflowered my
22 daughter. She was still underage. She was deflowered. When they left, they took
23 away a lot of our possessions. I tried to get up but I was dizzy, and when I -- when I
24 regained consciousness, I realised my daughter was crying and there was blood flowing
25 between her legs. I picked her up and laid her on the bed. It was difficult.

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1 Q. Madam Witness, I will be asking you some questions in relation to your daughter
2 shortly. Still in relation to what happened to you yourself, you told us that after what
3 they did to you, you suffered a lot. My question is: From which part of your body were
4 you suffering, or which part of your body did you feel anything?

5 A. I -- I felt pain everywhere, including in my vagina. My vagina was injured.

6 Q. Madam Witness, in relation to the second Banyamulengue who slept with you, did
7 he do the same thing as the first Banyamulengue, or did he do something different?

8 A. Yes, he, too, did exactly the same thing as had his brother.

9 Q. And did you suffer pain in the same area that you just told us when the
10 Banyamulengue - the second Banyamulengue - slept with you, Madam Witness?

11 A. I suffered a lot. I will tell you honestly, I suffered a lot. I was ill. Even today, I
12 still feel pain. I don't feel the way I did previously.

13 MS BALA-GAYE: Madam President, consistent with the Chamber's previous rulings, I
14 would like to seek your guidance on this particular point. On previous -- at least on two
15 occasions of which I can make reference to, your Honours have expressed that you feel
16 satisfied with the establishment of the physical element, and the Defence concurred on
17 those occasions as well. My question is: Are your Honours satisfied in this instance
18 about this physical aspect and is the Defence satisfied, or else I can ask more questions of
19 the witness, but I want to avoid asking her further intrusive questions in relation to this
20 particular element. And I can provide your Honour with the references, if that would
21 assist, to the transcripts.

22 PRESIDING JUDGE STEINER: Thank you, Ms Bala-Gaye. I was about to ask you
23 about this, exactly this point, and of course I have to ask the Defence whether the Defence
24 accepts as an agreed fact that the physical elements of the crime of rape can be considered
25 as clear for the Defence?

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1 MR LIRISS: (Interpretation) Madam, that does not seem clear to me; not the
2 description, but the question put to me. It's as if you are asking me to say that the
3 Defence accepts the crime of rape, and I think what the Prosecution wants to know, what I
4 would like you to explain very clearly to me, on what question you wish the Defence to
5 give its agreement?

6 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. No, it's not about the crime,
7 but the physical description that she was penetrated in her female part of the body by his
8 male part of the body, as this being the description - the physical description - of a rape?

9 MR LIRISS: (Interpretation) If that's all it is, the Defence is perfectly satisfied.

10 PRESIDING JUDGE STEINER: Thank you very much, Maître Liriss. That avoids
11 asking more details from the witness in this specific aspect. Ms Bala-Gaye, you can
12 continue.

13 MS BALA-GAYE: Thank you, Madam President.

14 Q. Madam Witness, I will now ask you further questions about what happened during
15 that time. You told us that, while the two Banyamulengue slept with you, there was a
16 third one who had his gun pointed to your temple. My question is this, Madam Witness:
17 Where were the arms of the two Banyamulengue who slept with you?

18 A. Well, they were at PK12, all of them.

19 Q. Madam Witness, I think there must have been some issue with the question I asked
20 and so I'll ask it again. I'm referring to the incident that took place in your home. You
21 told us that when the two Banyamulengue slept with you, that there was a third
22 Banyamulengue in the room, in the living room, who had his gun pointed at your temple.
23 Now, I would like to focus on the two Banyamulengue who slept with you. You told us
24 that, when they came in, they were all carrying arms. My question for you is this:
25 Where were the arms of the two Banyamulengue who slept with you on that day in your

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1 living room?

2 A. Now, the two that slept with me, they had their weapons -- well, they stayed
3 standing and they put their arms - their weapons - around their shoulders and they
4 remained standing.

5 Q. During this time, Madam Witness, did they say anything to you?

6 A. No, I couldn't understand what they were saying to each other. I don't understand
7 Lingala.

8 Q. You told us that in your home you employed someone from Zaire in your family -- I
9 think it's in your family home, if I'm not mistaken. Was this the same language that you
10 heard these men speak on that day in your home?

11 PRESIDING JUDGE STEINER: Maître Liriss. Witness, madam, just wait a little bit.

12 Maître Liriss.

13 MR LIRISS: (Interpretation) Your Honour, I think I heard the witness say on page 13
14 following a question -- well, there's a question about whether things were said and she
15 said, "They told me nothing. They pulled me from the bed and threw me to the ground."
16 The witness has already stated that her assailants said nothing to her, so I think that the
17 question according to which -- well, the last question that was put, it is not translated yet
18 on the transcript, but which was saying -- well, asking the witness whether it was the
19 same language that they used, the same language that her domestic uses, that strikes me
20 as being a leading question.

21 PRESIDING JUDGE STEINER: Maître Liriss, as far as I understood the witness said that
22 they didn't say anything to her, and the question is related to the language they were
23 speaking among each other and it doesn't appear to me that is suggestive in any case.

24 MR LIRISS: (Interpretation) Your Honour, in that case -- well, first we need to know
25 whether they were speaking amongst each other or not, were the assailants talking to each

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1 other, and the witness didn't say that either.

2 PRESIDING JUDGE STEINER: Ms Bala-Gaye, so start by questioning whether they
3 spoke to each other.

4 MS BALA-GAYE: Thank you, Madam President. Perhaps in this regard it would assist
5 the Defence if I provide some clarification. The initial question that I asked was when
6 they entered if they spoke to her, and she said "No," and just now on page 18 of the
7 English transcript my question was, "During this time, Madam Witness, did they say
8 anything to you?", and her response was, "No, I couldn't understand what they were
9 saying to each other. I don't understand Lingala." So in the English transcript at least it
10 is clear, and I am referring to page 18, lines 2 to 3.

11 PRESIDING JUDGE STEINER: You can proceed, Ms Bala-Gaye.

12 MS BALA-GAYE: Thank you, Madam President.

13 Q. Madam Witness, I apologise for the interruption. We were just addressing a legal
14 issue which has been resolved by Madam President, so I will ask you my question now.
15 You told us that these men did not speak to you, but they were speaking to each other and
16 you told us that you don't understand Lingala. My question is how were you able to tell
17 that what they were speaking was in fact Lingala, Madam Witness?

18 A. Well, those men didn't talk to me. They talked to each other and they did so in
19 Lingala. I don't understand Lingala. One or two words -- the one or two words I do
20 know from Lingala are words that are used by my domestic staff, but I don't
21 understand -- I didn't understand what they said to each other.

22 PRESIDING JUDGE STEINER: Ms Bala-Gaye, Judge Aluoch wants a follow-up question.

23 JUDGE ALUOCH: Thank you, Madam Prosecutor. As we are now talking about
24 language, if you go to page 11 - go back to page 11, please - the English version, line 21, I
25 think this is when the attackers entered the house and then they are -- she is recorded as

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1 having -- she is quoted as having said, "When they went where the children were, 'Don't
2 make noise, or we will shoot you.'" In what language did they say those words, please?
3 That is page 11, line 21.

4 THE WITNESS: (Interpretation) Well, that was said in Lingala.

5 JUDGE ALUOCH: So you understood that when it was said in Lingala?

6 THE WITNESS: (Interpretation) Well, I've already said to you that we have a
7 domestic employee who is from Zaire and he spoke Lingala, and when he spoke, well, the
8 assailants, I recognised that they were talking to each other in Lingala.

9 MS BALA-GAYE: Thank you for your intervention, your Honour.

10 Q. Madam Witness, what was your reaction while these two men slept with you?

11 A. Well, I was powerless. Those men were armed. One of them placed his gun
12 barrel against my temple. I couldn't complain. I couldn't shout. I couldn't even cry.
13 My -- there was a weapon held against me and I didn't have any opportunity, or even the
14 bravery, to speak to them.

15 Q. Madam Witness, just for the sake of clarity in this regard, did you agree to these two
16 men sleeping with you?

17 A. Well, how could I possibly consent? I just learnt the news of the death of my
18 husband. I was in mourning. How could I possibly have any desire of sleeping with
19 another man? I was forced and it was never deliberate desire on my part.

20 Q. Thank you for the clarification, Madam Witness. You told us that the
21 Banyamulengue also slept with your (Redacted) daughter. I would now like to ask you
22 some more questions about what they did to your (Redacted). You told us at page 11,
23 and I'm referring to the edited -- the real-time transcript of the English version at lines 18
24 to 20 and, for the sake of the record, I'll just repeat what you said. You said, "She was (Redacted)
25 (Redacted). She was deflowered; she was raped. This girl who was under age was

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1 raped." I would like to ask you some more follow-up questions in relation to this,

2 Madam Witness.

3 Can you tell us how many children were in the room on that day when the

4 Banyamulengue came to your home?

5 A. I've got four children and (Redacted)

6 (Redacted). The youngest was spent (indiscernible) -- was in the same living room,

7 rather, in the same living room as me and there were six in the other room, so it was the

8 eldest who was raped. The other children were under age, very under age.

9 Q. Madam Witness, I can see that you are doing well so far. I'd just like to remind you
10 not to mention the name of this daughter, but I note that you haven't done so, so far, as we
11 are in open session. From the living room where you were, Madam Witness, could you
12 see into the bedroom where the six children were?

13 A. As I said, that particular room doesn't have a door; there's just a curtain.

14 Q. While these two Banyamulengue were in the room, in the bedroom, Madam Witness,
15 where the six children were, could you hear any sound coming from that room at this
16 time?

17 A. I was myself being attacked, but the children who tried to shout -- or did shout, I
18 heard them, and their assailant said, "If you shout, we're going to kill you." So I couldn't
19 see what was happening in the room because I was myself being assailed.

20 Q. You told us that your (Redacted) daughter was deflowered; she was raped. How
21 do you know this, Madam Witness?

22 A. After the assailants had left, I went into the room and I saw my daughter lying on
23 the ground, and she was crying. I saw that there was blood that was running, running
24 down her legs, and I asked what had happened? And she said, "One of those men slept
25 with me." And I said -- and she was crying, and I said, "Don't cry." And I said, "Go and

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1 lie down on the bed."

2 Q. Madam Witness, the blood that you saw running down the thighs of your (Redacted)
3 (Redacted) daughter, do you know from which part of her body the blood was coming from?

4 A. The blood was coming out or was running from the feminine -- the female part of
5 her body.

6 Q. You've told us the physical condition in which you found your daughter, Madam
7 Witness. Can you tell us her emotional state at the time when you saw her?

8 A. You know, she's under age. She didn't know what was happening. She was
9 crying, and I had her lie on the bed. So to -- it's difficult to really suppose what was
10 going through her mind, her mental state. I just told her what had happened, and she
11 was crying, but I wasn't able to establish what was going through her mind.

12 Q. Madam Witness, did your daughter tell you anything else about what the
13 Banyamulengue did to her?

14 A. I told you that I went into the room and I found her lying on the ground. And
15 when I asked her, she said, "One of these men slept with me," but the other didn't touch
16 her. There was just one who slept with her. And I found her lying on the ground, and
17 she didn't give -- provide any other explanations. She only was crying.

18 Q. Madam Witness, did you do anything as a result of your daughter's bleeding when
19 you discovered her?

20 A. The following day, I got up and I boiled up a mixture with which I massaged her. I
21 purchased some tablets that I gave her, and she stayed lying in bed at home.

22 Q. Madam Witness, did you inform anyone about your daughter's rape?

23 A. With regards to my daughter, I spoke to nobody because, you know, with the
24 Muslims, such news, when an under-age daughter is deflowered, it runs counter to our
25 customs. I couldn't talk about it. I just massaged her with a mixture. And if I were to

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1 tell people about what happened, then it would be very, very difficult for that girl to find
2 a husband, and that's why I preferred to keep the news of her rape secret.

3 Q. Madam Witness, you told us that you also sustained some injuries in your woman's
4 part. Did you receive any medical assistance as a result of what happened to you,
5 yourself?

6 A. After the attack, well, there were employees from Médecins Sans Frontières that
7 wanted to meet the victims of attacks - Doctors Without Borders - and so the following
8 day I went with them to the hospital. And I was the only person to go to the hospital. I
9 didn't talk to this about my daughter. They gave me some tablets and they ran biological
10 tests, and so I took the tablets back to home. I took some and I gave some, also, to my
11 daughter. I think these tablets improved considerably her state of health.

12 MS BALA-GAYE: Madam Witness, I was about to ask you about the items that the
13 Banyamulengue took from your home and the home of your brothers, but I can see that
14 it's almost time for a break. So, Madam President, perhaps this would be a good place
15 for me to stop my questioning.

16 PRESIDING JUDGE STEINER: Thank you very much, Ms Bala-Gaye.

17 Madam Witness, we are going to suspend for half-an-hour. Then you can take some rest.

18 It's now 11 o'clock. We'll be back at 11.30. I'm asking, please, the court officer to turn
19 into closed session for the witness to be taken outside the courtroom. In the meantime,
20 we are going to suspend and then resume at 11.30.

21 *(Closed session at 10.57 a.m.) Reclassified as Open session

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

23 (The witness stands down)

24 THE COURT OFFICER: All rise.

25 (Recess taken at 10.58 a.m.)

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- 1 *(Upon resuming in closed session at 11.35 a.m.) Reclassified as Open session
- 2 THE COURT USHER: All rise. Please be seated.
- 3 PRESIDING JUDGE STEINER: Maître Liriss? I thought you wanted to say something.
- 4 Please, court usher, introduce the witness into the courtroom.
- 5 (The witness enters the courtroom)
- 6 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 7 (Open session at 11.37 a.m.)
- 8 THE COURT OFFICER: We are in open session, Madam President.
- 9 PRESIDING JUDGE STEINER: Thank you. Madam Witness, welcome back.
- 10 THE WITNESS: (Interpretation) Good morning, Madam President.
- 11 PRESIDING JUDGE STEINER: Did you take some rest during the break?
- 12 THE WITNESS: (Interpretation) Yes, I was able to rest.
- 13 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?
- 14 THE WITNESS: (Interpretation) Yes, I am prepared to continue.
- 15 PRESIDING JUDGE STEINER: Thank you very much. Ms Bala-Gaye, you have the
- 16 floor.
- 17 MS BALA-GAYE: Thank you, Madam President, your Honours.
- 18 Q. Welcome back, Madam Witness.
- 19 A. Good morning, madam.
- 20 Q. Before the break, Madam Witness, you told us that - and I'm referring to page 11,
- 21 lines 22 to 25 of the English real-time transcript - you told us that the Banyamulengue did
- 22 evil deeds, and then when they left they looted your house. You said they took suitcases
- 23 and the fridge and even the possessions of your brothers, who were in their homes.
- 24 They took all their possessions. It is not really clear from the trial record, Madam
- 25 Witness, so I would like to ask you some follow-up questions. Can you tell us which

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1 items the Banyamulengue took from your home, firstly?

2 A. They took away suitcases, a refrigerator, a television set, and other items which were
3 in the house. And in my brother's house, they took away a foam mattress, suitcases,
4 shoes and clothes. They took all that away.

5 Q. In relation to the other items that they took from your home, are you able to provide
6 more information as to what type of other items they took from your home?

7 A. Well, let me repeat. There was a suitcase, a refrigerator, a television set and
8 everything that was in their house, particularly shoes, clothes, foam mattresses, and so on.
9 It was those types of items that they took away.

10 Q. Madam Witness, did you agree to the Banyamulengue taking away these items from
11 your home?

12 A. I could not have accepted that. They were taking away the things right in front of
13 me. Could I have agreed with that? They took away everything. How could I have
14 been happy about that? When you're faced with people who are more powerful than
15 you, and who are bearing weapons, what could you do? I simply observed what they
16 were doing, but they did not do it with my consent.

17 Q. Do you know how the Banyamulengue carried these items from your home, Madam
18 Witness?

19 A. When they left from -- or through the back of the house, they had already taken all
20 the property outside, and it was not possible for me to go out to see. But it seems that
21 they had brought a vehicle which was parked behind my house, and it was that vehicle
22 that they used to transport those goods. I was inside the house. I could not go out.
23 All I did was see them take the goods out of the house.

24 Q. Madam Witness, these items that the Banyamulengue took away from your home,
25 were they ever returned to you?

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- 1 A. I never saw anything. Nothing was returned to me. Only the bed and the
2 mattress remained in my house, and in my brothers' house only the bed remained. The
3 mattress had been taken away. Nothing was ever returned.
- 4 Q. Madam Witness, did you ever receive any compensation for these items that the
5 Banyamulengue took away?
- 6 A. I have never received any compensation, never. I did not receive any money,
7 nothing at all.
- 8 Q. Madam Witness, just so that the record is clear, could you assist us with this point?
9 The items that the Banyamulengue took away from your brothers' home - and I'm
10 referring to the two rooms that your brothers owned - did this happen at the same time,
11 during the same occasion when they came to your house, or did they return at another
12 time?
- 13 A. Well, I was in my house and I did not go out of that house. The following morning
14 when I went out we realised that the door was open and there was nothing left in that
15 house, so it was the same day that they took away all those things.
- 16 Q. Now, still in relation to the items taken from your brothers' homes, do you know if
17 these items were ever returned to your brothers?
- 18 A. But when somebody takes away your property, is it possible for him to return it to
19 you? They took everything away and so far we have not received anything back.
- 20 Q. In relation to -- still in relation to the items taken from your brothers' home, my last
21 question on what they took from that house is do you know if your brothers ever received
22 compensation for the items that were taken from their homes?
- 23 A. They have never received any compensation. My brother, whose mother is
24 deceased, became very angry and then he left. Until today, no one knows where he is.
- 25 Q. Madam Witness, in relation to the items that they took away from your home, I

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1 would just like to clarify one point. You told us that they took away the mattresses from
2 your brothers' home. In your home did they also take the mattresses, or not?

3 A. They did not take my mattress, nor that of my children. They simply took away
4 the mattresses of my brothers. In my house they took away suitcases, shoes, a
5 refrigerator and a television set. They did not take my mattress.

6 Q. Madam Witness, apart from your rape and the rape of your (Redacted) daughter,
7 did any other member of your family experience something similar?

8 A. Yes, but that happened to many people. What I know is that my elder sister was
9 also a victim of that attack, as well as my mother. My mother was also raped.

10 Q. Now, in relation to your mother and your elder sister, and still without referring to
11 their specific names, can you tell us what you mean by they were also attacked?

12 A. They were living in their own respective houses. It was my mother who told me
13 that she had been raped and attacked by the Banyamulengue. My elder sister told me
14 the same thing. She told me that she was attacked and raped. They told me that
15 personally. However, I do not know the details of those incidents.

16 Q. Madam Witness, at that time how old was your mother?

17 A. My mother is 54 years old right now.

18 Q. How soon after your own rape, Madam Witness, did you come to find out that your
19 mother and your elder sister were raped?

20 A. After what happened to me, well, I would say that it was just two days after my
21 own attack that they told me those stories.

22 Q. Madam Witness, can you tell us how this rape has affected your mother?

23 A. You know, after those events, my mother was never happy about anything at all.
24 She was rather disorderly in her behaviour, everything became unbearable for her and
25 then she returned to Chad.

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1 Q. And in relation to your elder sister who was also raped, Madam Witness, how did
2 this rape affect your elder sister?

3 A. She also no longer felt well. Fortunately we received some assistance from Doctors
4 Without Borders, but my elder sister is still alive. She's still living in PK12.

5 Q. Madam Witness, you told us that what happened to your daughter and yourself,
6 and I'm referring to the rape perpetrated. Can you tell us -- you told us that it happened
7 to many people, and I'm referring to page 30, line 4, of the real-time English transcript.
8 You told us that this happened to many people. Can you explain to us what you know
9 about this, Madam Witness?

10 A. I did not see what happened to the other people with my own eyes, but they were
11 the ones who told me about what had happened to them. During our discussions they
12 told me about what had happened to them, and that is how come I learned that others had
13 been victims of those same attacks.

14 Q. Apart from these victims telling you themselves what happened, Madam Witness,
15 did you hear about this from any other source?

16 A. I heard that from the victims themselves, but I was never an eyewitness. I'm
17 simply talking about what the victims told me.

18 Q. You told us earlier today, Madam Witness - and I'm referring to page 10 of the
19 real-time transcript, today's transcript, from lines 15 to 17, Madam Witness - you told us
20 that the Banyamulengue were threatening the population and carrying out violent acts
21 against the population. Firstly, Madam Witness, can you tell us how the Banyamulengue
22 were threatening the population?

23 A. You know, the Banyamulengues went into the neighbourhoods. They were
24 behaving in a violent manner and looting people's property. I even saw them personally
25 threaten the chief of our neighbourhood. They even shot at him, but thank God he was

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1 not injured. That is why I said to (Redacted), "He shot at our chief and they killed
2 him."
3 So they -- he advised us to go to the chief's house, to march to the chief's house, but when
4 we arrived there, the Banyamulengue were no longer there; but since we were very upset,
5 we asked the neighbourhood chief to give us a flag. We decided to organise a protest
6 march, and when the Banyamulengue saw us marching they threatened to kill us, but
7 others were opposed to it.
8 And since we had the flag with us, we marched right up to the Pont Bascule, or the
9 weighbridge, and it was here that some of the Banyamulengue leaders who were in a
10 vehicle stopped where we were. They were coming from Lando. They asked us where
11 we were going; we told them that we wanted to march to the French embassy in order to
12 complain. They alighted from the vehicle and asked us to turn back.
13 We returned to the chief's compound. We saw him sitting on his verandah, discussing
14 with other people. There was a small crowd of people there. The Banyamulengue
15 addressed us. One of them told us, "You, the inhabitants of PK12, if we had behaved like
16 the president had asked us to do, then the situation would have been far more tragic."
17 He told us that the president had asked them to come and invade PK12 and to kill all the
18 men, as well as all the boys aged five and above. He also instructed them to take the
19 women of PK12 as wives. This is how come the Banyamulengue were in the
20 neighbourhoods and they were doing whatever they wished.
21 They were raping and looting but, according to their leader, the people who were doing
22 this were not true soldiers; these were people who had simply been given uniforms and
23 weapons and that is why they were behaving like that. That is why they could take
24 away people's goods; that is why they could systematically loot property.
25 The leader told us that and left, after having told us to inform them if those people came

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1 back to the neighbourhood in order to loot.

2 THE INTERPRETER: And from the Sango booth, could the witness be requested to slow
3 down a little bit.

4 MS BALA-GAYE:

5 Q. Madam Witness, I will be asking you a few questions in relation to what you've told
6 us. The interpreters have just requested that I ask you to please slow down so that they
7 can interpret everything to the Judges and everyone in the courtroom.

8 Now, in relation to the Banyamulengue systematically looting the items of the civilian
9 population, can you tell us how you know this, Madam Witness? In relation to the
10 looting, how do you know this?

11 A. I told you what they took, the items they took, the suitcases and the other items.
12 They took that publicly, in broad daylight, with everyone present.

13 Q. I will rephrase my question, Madam Witness, so that it is more clear. Did you see
14 the Banyamulengue loot the items of other people in your area, apart from yourself and
15 the items of your brothers?

16 A. I saw them carrying off the items on the main road, but I don't know who the
17 owners of those items were. But I saw them carrying the goods of the people who had
18 been looted away on the main road.

19 Q. Madam Witness, do you know where the Banyamulengue took these items that they
20 looted from the civilians?

21 A. I don't know; I just saw them carrying these items on the main road, but I don't
22 know where they were taking those items to.

23 Q. To your knowledge, Madam Witness, do you know if the Banyamulengue returned
24 any of these items to the civilian population?

25 A. I did not see that. You know, does a thief return the items he has stolen from the

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1 owner of those goods? I do not know that they returned any of the items.

2 Q. As far as you know, Madam Witness, did any of these civilians receive any
3 compensation for these items that were taken from them?

4 A. I never heard talk of any compensation. I did not know of anyone being
5 compensated.

6 Q. You mentioned that the Banyamulengue carried out rape in your neighbourhood,
7 and you said you didn't witness any of these incidents but the people told you about it.

8 Madam Witness, what did these people tell you? What kind of information did they give
9 you about their victimisation?

10 A. It was in the different talks and discussions that other victims told me what had
11 happened to them. They said that the Banyamulengue had also entered their homes and
12 looted their possessions and committed violent acts against them. That's what everyone
13 said. I have nothing further to add on that.

14 Q. These violent acts that you refer to, Madam Witness, did they continue or did they
15 stop after you spoke to the Banyamulengue leaders that you met on the way to your
16 protest?

17 A. They continued to act violently, they continued their violent acts, and two weeks
18 later they moved to the provincial towns and I moved to live in -- at Kilometre 5, so I don't
19 know what happened after I left.

20 Q. During the time that you were in your area, Madam Witness, do you know where
21 the Banyamulengue were based in your area?

22 A. There were many of them. They had several bases, a Begoua dispensary. Some
23 had a base in the school compound. Those were the two places where I saw them
24 establish bases.

25 Q. Apart from the crimes committed by the Banyamulengue in your area, Madam

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1 Witness, did you hear of any other crimes in other areas?

2 A. I moved away and I went to Kilometre 5. It was during the meetings of an NGO
3 which dealt with victims. We joined that NGO and it was during the meetings there that
4 I learnt that the Banyamulengue had also moved to the provincial towns and had
5 performed the same violent acts there. It was during the meetings that I learnt about
6 that.

7 Q. Can you tell us which violent acts you learned that the Banyamulengue committed
8 in the provinces?

9 A. What can I tell you? They performed the same violent acts as they had in PK12, the
10 same thing in the provinces.

11 Q. Madam Witness, are you able to give us examples of what type of acts you're
12 referring to?

13 A. As I said, I did not -- I personally did not see them. You know that an NGO was set
14 up and it was in one of the meetings of that NGO that the victims reported on this. They
15 said there had been rapes. They even raped men. And they looted people's possessions.
16 That's what the victims said, and I heard all of that.

17 Q. Apart from the NGO meetings, Madam Witness, did you hear about this from any
18 other source, apart from the people you spoke to at the NGO meetings?

19 A. Everybody knew what had happened in PK12 and in the provincial towns. It
20 wasn't done secretly. Everybody knew what was happening there.

21 Q. Madam Witness, during the events, did you ever listen to the radio?

22 A. Yes, I had a small radio and I listened to the radio, and I heard reports of the violent
23 actions committed in the provinces and I heard all that on the radio.

24 Q. Just to be clear, Madam Witness, were these -- were you listening to the radio during
25 the events when you heard this information, or was it after the events when you heard

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1 this information?

2 A. After the events, the radio in particular, the Ndeke Luka radio, spoke of what was
3 happening in the provinces.

4 Q. In which language was the broadcast given on this Ndeke Luka radio station,
5 Madam Witness?

6 A. It was in Sango.

7 Q. The broadcast on the radio, Madam Witness, in relation to the violent acts
8 committed in the provinces, did they report the names of which areas this occurred in the
9 provinces?

10 A. Names were given: Damara, Sibut, Bozoum. Small neighbourhoods in the
11 province were referred to.

12 Q. Madam Witness, during these broadcasts or during your meetings, did these people
13 say anything about how what had been done to them by the Banyamulengue had affected
14 them?

15 A. That's what I told you. They spoke of all the Banyamulengue's actions. I heard all
16 that.

17 Q. Madam Witness, I'll rephrase my question because I'm not quite sure if it was clear.
18 Did they say anything about the effect this had on them, what they suffered, the effect that
19 it had on them, if at all any?

20 A. We met in the organisation and a lot of people came -- walked to the meetings and
21 told us what had happened to them. They said they'd been looted, they'd been raped.
22 They gave that kind of information.

23 Q. This NGO meeting that you're referring to, Madam Witness, can you tell us what
24 was the name of the NGO?

25 A. The NGO I know is the NGO that was set up and which invited us to come and

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1 testify about all the events we had experienced, and they even gave us cards. I don't
2 know the -- what its name was. Everyone called it "the NGO."

3 Q. As a member of this NGO, Madam Witness, can you give us an idea of the type of
4 activities that you carried out within this NGO?

5 A. I know what activities we carried out. What were the activities we carried out?
6 We were -- we were registered. They registered our declarations and we brought photos
7 which enabled -- two photos which enabled them to give us these membership cards.
8 And they also distributed semolina meal to help us.

9 Q. Madam Witness, does the name OCODEFAD mean anything to you?

10 A. Yes, that was the name of our NGO, OCODEFAD. That was the name of our NGO.

11 Q. Madam Witness, apart from semolina meals that OCODEFAD distributed to you
12 and other members, did OCODEFAD provide any other kind of support to you?

13 A. No, we didn't receive any other assistance. They just recorded our names, and we
14 didn't receive anything else. We just received semolina. I did not see anything else
15 being distributed.

16 Q. Madam Witness, did OCODEFAD advise you in any way on how to tell your story,
17 the story of what happened to you? Did they advise you in any way how to give your
18 testimony before this Court today?

19 A. They took down our statements, that is the statement from each victim, and then
20 they issued us with membership cards. They also took down our phone numbers and
21 they said that they would phone us to give us the reports. They also gave us advice, the
22 kind of advice you've just mentioned.

23 Q. Madam Witness, can you tell us what kind of advice they gave you?

24 A. They gave us advice about what was -- what would happen to us. They said, for
25 example, that a prosecution was already underway and that they would send all our files

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1 to the judicial authorities, who would analyse our cases and, if possible, invite the
2 different victims to come. That was what happened.

3 Q. Madam Witness, you told us that OCODEFAD took down your statements,
4 statements from each victim, before issuing you with membership cards. I'm referring to
5 page 38 of today's real-time transcript -- sorry, page 39 of today's real-time transcript, lines
6 18 to 22. Can you explain to us what you mean by "statement," Madam Witness?

7 A. They asked us what had happened to us, how things had occurred, and we just gave
8 them the information about what had happened to us. They didn't ask any other
9 questions.

10 Q. Madam Witness, did OCODEFAD influence the content of your testimony here
11 today in any way?

12 PRESIDING JUDGE STEINER: Madam Witness, wait a little bit. Maître Liriss.

13 MR LIRISS: (Interpretation) Your Honour, I don't know, but I think this is a leading
14 question. Would she mind rephrasing her question, particularly as the witness said, if
15 I'm not mistaken, on page 38, or in line 32, "Yes, they gave us advice; the advice that
16 you've just mentioned." This type of advice that she had just talked, my esteemed
17 colleague just mentioned, the sight -- the type of advice about deposition made before a
18 law court. So since she's already answered and if she wants to go further, well, then I
19 think she needs to rephrase her question. The question that's standing is, to my mind,
20 rather suggestive.

21 PRESIDING JUDGE STEINER: Maître Liriss, you know quite well that sometimes, even
22 because of translation problems, we have to ask a question more than once and sometimes
23 in more than a way in order to make it clear what the witness meant. So maybe
24 Ms Bala-Gaye can rephrase the question just to make it sure that it's not suggestive. It's
25 just to rephrase, or to come back to the answer - the previous answer - for the witness to

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1 clarify what she meant by that.

2 MS BALA-GAYE: Thank you, Madam President. I will do so shortly. I would just
3 like to provide a clarification in relation to the record, just so it is clear. At page 39 of
4 today's real-time transcript of the English version, the question that I asked was, "Madam
5 Witness, can you tell us what kind of advice they gave you?", and the witness's response
6 at line 25, still on page 39, was, "They gave us advice about what would happen to us.
7 They said, for example, that a prosecution was already underway and that they would
8 send all our files to the judicial authorities who would analyse our cases and, if possible,
9 invite different victims to come. That is what happened." So I think that portion is
10 quite clear on the record, but I will rephrase my question as Madam President has
11 requested.

12 Q. Madam Witness, did OCODEFAD -- what we want to know is whether or not
13 OCODEFAD has any influence, if at all, on what you're telling the Court today?

14 MR LIRISS: (Interpretation) Your Honour, to be quite frank, I don't see how this is
15 being rephrased. A brief clarification, if you will. My *colleague reads well -- my
16 colleague has said -- well, is reading the question, but didn't -- is not reading the question
17 she asked before that one, and I think that she should rephrase the question to have a
18 more clearer answer. And with regard to this particular question, I think that she hasn't
19 rephrased at all. She's just going over the same question, I think. She's just reiterating
20 the same question. What do you think? Do you think that by asking the question
21 whether she was influenced, that she will say "No"? She will say "Yes." And, you know,
22 she will say, "Yes, it was the case."

23 PRESIDING JUDGE STEINER: Ms Bala-Gaye.

24 MS BALA-GAYE: Madam President, I will rephrase it again.

25 Q. Madam Witness, what happened to you during the events in the Central African

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1 Republic, what happened to you and your daughter, were you told by anyone in any way
2 about how you should tell this story, Madam Witness?

3 A. No, I've been influenced by nobody. I'm telling you here the events that I
4 experienced, the events that my family, my children, particularly me, experienced. I
5 received influence -- I came under the influence of nobody. I saw and I heard everything
6 that I'm telling you. What happened to me, to my family, this is what I'm talking about.
7 I'm not a little girl to be influenced. You know, I'm telling you what happened. I'm not
8 telling you what somebody else told me to say.

9 Q. Now, Madam Witness, you told us earlier that MSF provided you with medical
10 assistance, and this is after -- after your rape. Do you recall when you received this
11 assistance from MSF?

12 A. The doctors - well, MSF, Doctors Without Borders - they provided medical
13 assistance to us and this was before -- this was during the lull. When the situation had
14 calmed down a bit MSF went to PK12 and contacted the victims of PK12 and asked them
15 to go to the hospital to meet them there, and it was there that they gave us medicine and I
16 gave part of that medicine that was given to me to my daughter.

17 Q. Madam Witness, other than the medical assistance that was provided by MSF, did
18 they provide you with any other type of advice or support?

19 A. Apart from that, we received nothing else. We only received medicine and the
20 medicine was a source -- a huge source of relief for us.

21 Q. Madam Witness, apart from the assistance that you received from MSF, did you
22 receive medical assistance from any other organisation?

23 A. No, I didn't receive support from another organisation.

24 Q. Madam Witness, does the name (Redacted) mean anything to you?

25 A. Yes, I -- well, it rings a bell. I also went to the (Redacted). It was there that

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1 we saw (Redacted), who ran tests on us and gave us medicine. The medicine that was
2 provided was a source of relief for us, and then after that we received nothing further.

3 Q. Do you recall when you met with the doctor, or when you went to (Redacted)
4 (Redacted)

5 A. It was only after the incidents, the events, we were invited to go to there, but this
6 was after the assistance we'd received from MSF staff. So we went to the (Redacted)
7 (Redacted) and we were then sent to (Redacted), who after running examinations upon us he
8 distributed medication to us.

9 Q. Madam Witness, I would now like to ask you some questions about the effect, if any,
10 that the rape of your (Redacted) daughter had on your daughter?

11 A. My daughter is still alive, but she -- but she had fever and she was even -- she was
12 even hospitalised. Her health is improving for the time being. It dipped, but it's
13 improving a bit now.

14 Q. Madam Witness, what, if any, was the effect that this incident had on the other
15 children who were present in the room at the time?

16 A. Well, you see, these were small children. They couldn't realise what had happened.
17 Myself, I was an adult and I knew what had happened. I was really traumatised, deeply
18 troubled, by what had occurred. You know, little children, they couldn't really
19 understand what was going on. Everything that they needed was to have food, and it's
20 only now that children -- the children are starting to ask me questions about their father.
21 They ask me constantly, "Where's my dad? Where's my dad?" As regards the acts, they
22 couldn't grasp really much of what that involved.

23 Q. Now, in relation to the physical pain that you suffered, Madam Witness, my
24 question is do you still suffer from any physical pain as a result of what happened to you?

25 A. Since those events, I am not in a good state of health. I developed different types of

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1 illnesses. I even contracted high blood pressure. I even suffer from gastric problems,
2 from hypertension, and it's following these events, since these events I'm not enjoying a
3 good state of health.

4 Q. Madam Witness, what type of reaction, if any, have you received from your
5 community in the Central African Republic?

6 A. Now, after that event, (Redacted). Of course, people must be saying that
7 the woman that fled PK12 and has come up to (Redacted), she must have suffered the violent
8 acts at the hands of the Banyamulengue. You know, they're surely abreast of that.

9 Q. Specifically in relation to your Muslim community, have you received any type of
10 support after what happened to you?

11 A. I haven't received any support. It's only Muslim sisters that deliver merchandise to
12 me so that I can sell them. I keep the profits to be able to feed my children, but I haven't
13 received any money like that from anybody at all.

14 Q. Madam Witness, what is probably my last question on this point is how has this
15 incident, the rape that you suffered, how has it affected your life now?

16 A. After what happened to me, I am not -- I don't enjoy a good state of health. I don't
17 have a husband. I've got children I'm responsible for and I have not the wherewithal to
18 do that properly. I have nightmares at night. I suffer from all types of illnesses. I live
19 in worry, in a state of worry. I'm troubled. I don't know. Now, I know that I'm not
20 right in my mind. I've got psychological problems.

21 MS BALA-GAYE: Thank you, Madam Witness.

22 Madam President, I request that we move into private session before the break so that
23 I can elicit some names in relation to the testimony the witness has given.

24 PRESIDING JUDGE STEINER: Of course, but before we go into the private session for
25 the Prosecution to elicit some names, I would like to ask: Witness, how old was your

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1 husband when he was killed?

2 THE WITNESS: (Interpretation) My husband was around (Redacted) years of age when he
3 died.

4 PRESIDING JUDGE STEINER: And when all these events occurred, the violence you
5 suffered in your house, how old were you?

6 THE WITNESS: (Interpretation) I was around (Redacted) years of age when I suffered these
7 violent acts.

8 PRESIDING JUDGE STEINER: Thank you very much. Please, court officer, turn into
9 private session. And, Ms Bala-Gaye, explain to the witness what a private session
10 means.

11 *(Private session at 12.51 p.m.) Reclassified as Open session

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

13 MS BALA-GAYE: Thank you, Madam President. Thank you, court officer.

14 Q. Madam Witness, we're now in private session. What this means is that you're free
15 to give any information, or names, that would identify you or other people; the reason
16 being, that this information cannot be heard by people outside of this courtroom.

17 Therefore, anything you tell me now or you tell the Court will stay within this courtroom.

18 Do you understand, Madam Witness?

19 A. (No interpretation)

20 Q. Madam Witness, the interpreters did not get your response, so I'll just ask you again
21 if you understand what I've just explained to you about private session and the fact that
22 whatever you tell us will remain here?

23 A. Yes, I understand you.

24 Q. The first name that I would like to ask you about, Madam Witness, is the name of
25 your (Redacted) daughter who was raped. Can you tell us her name?

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1 A. Her name was (Redacted).

2 Q. You mentioned two brothers who have rooms in the same compound as you do,

3 Madam Witness. You mentioned that their belongings were looted by the

4 Banyamulengue. Can you please give us the names of these two brothers, Madam

5 Witness?

6 A. Yes, I can give you their names. The first is called (Redacted). The second was

7 called (Redacted) (phon) -- (Redacted).

8 Q. Can you tell us the name of your mother? Your mother that you mentioned was

9 raped, Madam Witness, please tell us her name.

10 A. I can give you her name. She is called (Redacted).

11 Q. You also mentioned your elder sister who was also raped. Can you please tell us

12 the name of your elder sister, Madam Witness?

13 A. Yes, I can give you her name. Her name is (Redacted).

14 Q. You also mentioned that a Central African man informed you about what happened

15 to your husband in PK13. Can you give us the name of this Central African man,

16 Madam Witness?

17 A. I don't know his name. Moreover, I didn't even recognise him. He was -- he only

18 came running to give us that information, but I don't know -- I didn't know his name.

19 Q. Now, at page 31 of the real-time transcript, today's English version, you mentioned

20 that you came to learn about the victimisation of other people, other civilians, and I'm

21 talking about lines 18 to 20. Can you give us the names of some of these victims, Madam

22 Witness?

23 A. Yes, I can give you their names. I didn't know them. We did meet, we did meet

24 together, but I couldn't identify them. There were lots of them. The person whose

25 name I can give you is the neighbourhood chief, who was -- who had been attacked and

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1 against which -- at which the attackers had shot.

2 MS BALA-GAYE: Thank you, Madam Witness. I will stop there, Madam President. I

3 realise it's time for the break.

4 PRESIDING JUDGE STEINER: Let's turn into open session, please.

5 (Open session at 12.58 p.m.)

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

7 PRESIDING JUDGE STEINER: Thank you. Madam Witness, we are going to suspend

8 now. We have now our lunch break. You can have lunch and take some time for

9 yourself for a rest. It's 1 o'clock. We will resume at 3.30 in the afternoon.

10 In the meantime, just to inform that the Chamber is still waiting for Maître Zarambaud's

11 justification on his request to question the witness. The Chamber hasn't received

12 anything until now, so we hope that when we resume we already have something

13 substantiating the interest of your victims in order to justify the request for questioning

14 the present witness.

15 We are going to turn into closed session in order for the witness to be taken outside the

16 courtroom. In the meantime, we are going to suspend for the lunch break and we'll be

17 back at 3.30 in the afternoon.

18 *(Closed session at 1.01 p.m.) Reclassified as Open session

19 THE COURT OFFICER: We are in closed session, Madam President. (The witness

20 stands down)

21 THE COURT OFFICER: All rise.

22 (Luncheon recess taken at 1.02 p.m.)

23 *(Upon resuming in closed session at 3.35 p.m.) Reclassified as Open session

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

25 PRESIDING JUDGE STEINER: Good afternoon. Welcome back to the courtroom.

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1 Let's continue with the hearing with the questioning of Witness 79, and I ask, please,
2 the court usher to bring the witness in.

3 (The witness enters the courtroom)

4 PRESIDING JUDGE STEINER: We can turn into public session, please.

5 (Open session at 3.37 p.m.)

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

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

8 THE WITNESS: (Interpretation) Good afternoon, Madam President.

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

10 THE WITNESS: (Interpretation) Yes, I had lunch and I had a good rest. I would
11 like to seize this opportunity to thank you, Madam President, for having accorded me
12 that time.

13 PRESIDING JUDGE STEINER: You don't have to thank us, Madam Witness. You
14 came to this Court to give evidence. It is the Court that needs to thank you for your
15 effort in coming here. Just to remind you that if you need any break at any time, just
16 let us know. Can we continue with your questioning, madam?

17 THE WITNESS: (Interpretation) Yes, I'm ready.

18 PRESIDING JUDGE STEINER: Thank you. Ms Bala-Gaye.

19 MS BALA-GAYE: Thank you, Madam President, your Honours.

20 Q. Welcome back, Madam Witness.

21 A. Good afternoon, madam.

22 Q. I have almost come to the end of my questioning and I have just a very few
23 questions remaining. I would like to ask you firstly about a point of clarification.

24 From today's transcript, and I am referring to page 4, lines 24 to 25 of the English

25 transcript, Madam Witness, you told us that the current head of the Central African

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1 Republic was the leader of the rebels at the time. My question for you is, do you
2 know the name of the current president of the Central African Republic, Madam
3 Witness?

4 A. Yes, I know his name.

5 Q. Can you tell us his name, Madam Witness?

6 A. His name is François Bozizé.

7 Q. You also mentioned, Madam Witness - and now I'm referring to yesterday's
8 transcript, the edited version of the English transcript, and that is transcript number
9 76, at page 53, lines 14 to 15 - you mentioned that your brothers were at KM5 when
10 the events started and there appears to be a bit of confusion on today's record, and
11 now I'm referring to the real-time transcript of today, the English version, and I'm
12 referring to page 11, lines 24 to 25, which states that your brothers were in their
13 homes when the Banyamulengue came to your house. My question for you is this,
14 Madam Witness: On the day that the Banyamulengue arrived at your home, and the
15 homes of your brothers, where were your brothers at this time?

16 A. On that day my brothers were at KM5. There was sustained gunfire and they
17 could not return home. When the Banyamulengues came to our house, they were
18 not at home.

19 Q. Now, Madam Witness, my next question is: How many days after you heard
20 about your husband's death did the Banyamulengue come to your home?

21 A. I heard about my husband's death on a Thursday. On Friday, nothing
22 happened. It was on the night of Saturday that they came to our house and raped
23 me.

24 Q. At the time that you were -- you and your daughter were raped and the
25 belongings of your family, and including your brothers, was taken by the

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1 Banyamulengue, can you tell us which group was in control of your area at this time?

2 A. It was the Banyamulengue who were in control of our neighbourhood.

3 Q. My last question for you, Madam Witness, is this: Earlier yesterday, at the

4 beginning of your testimony, Madam President asked you if you gave your

5 statements to the Office of the Prosecutor, the investigators that you met with, if you

6 gave your statement voluntarily. My question for you is, do you consent to those

7 statements being admitted into the record of the case as evidence?

8 A. Yes, I would like those statements to be tendered into evidence. I was not

9 coerced. I gave the statements voluntarily. Given the violence that I was subjected

10 to, I would like them to be accepted into evidence. I knew that the statements would

11 be handed over to the Court and that is why I volunteered to give them.

12 MS BALA-GAYE: Madam President, if I may just confer with my team. I've come

13 to my last question, but just to clarify and make sure.

14 Madam Witness, I've come to the end of my questioning and I would like to thank

15 you very much on behalf of the Office of the Prosecutor.

16 Madam President, I have come to the end of my questioning. Thank you.

17 PRESIDING JUDGE STEINER: Thank you, Ms Bala-Gaye.

18 On 7 February 2011, the Chamber received an application from Maître Zarambaud,

19 on behalf of the victims that he represents, to question Witness 79. It was filing 1195.

20 The application contained a list of nine questions. Since the only allegation of

21 Mr Zarambaud in that filing to justify his questioning of the witness was the fact that

22 the witness was a dual status witness and therefore his client, and having the

23 Chamber confirmed that the witness was not a dual status and therefore not Maître

24 Zarambaud's -- assisted by Maître Zarambaud, the Chamber asked Maître

25 Zarambaud to rectify his request and substantiate to why the personal interest of the

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1 victims that he represents are affected.

2 Maître Zarambaud has filed at lunchtime a corrigendum to his application 1195, in
3 which Maître Zarambaud gives the reasons as to why he understands -- in his view
4 the personal interests of the victims that he represents are affected.

5 The Chamber therefore, after analysing the reasoning, decides to grant Maître
6 Zarambaud's request and therefore allows Maître Zarambaud to put his questions to
7 the witness, with the exception of questions 2, 5 and 6, which the Chamber considers
8 to be outside the scope of the charges.

9 Having said that, Maître Zarambaud, you have the floor.

10 MR ZARAMBAUD: (Interpretation) Thank you very much, Madam President, and
11 I would like to thank the Chamber for your indulgence. The corrigendum should
12 have been submitted to the Chamber ever since yesterday, but unfortunately, owing
13 to technical problems, it is only today that we were able to file that corrigendum to
14 the Chamber. So, once more, thank you.

15 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

16 Q. Good afternoon, Madam Witness.

17 A. Good afternoon, Counsel.

18 Q. As you are aware ever since the familiarisation exercise, my name is Maître
19 Zarambaud, from the Central African Bar, and the Court designated me to be the
20 legal representative for some of the victims, and it is in that capacity that I'm going to
21 put some questions to you that I believe are of interest to the victims that I represent.
22 Most of the questions that I intended to put to you have already been put to you by
23 the OTP and you have provided precise and comprehensive answers. As a result,
24 I'm not going to repeat those questions. Furthermore, the Court has already decided
25 that two of the questions cannot be asked, and I'm going to refrain from asking you

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1 those two questions. Consequently, I'm going to ask you just a few questions for the
2 purpose of clarification.

3 To begin with, in document CAR-OTP-0052-0607, paragraph 12, you stated that

4 "When the Banyamulengue arrived, they found their Zairean fellow countrymen who
5 were working for the Muslims and that they used them to point out certain houses."

6 The question that I have for you is as follows: Those informers, that is those Zairean
7 fellow countrymen - they are actually Congolese but I'm using the term that is used in
8 the document - now, were those Zaireans integrated as fighters amongst the
9 Banyamulengue rebels and given weapons and uniforms, or did they remain as
10 civilians and limit their activities to pointing out the houses in question?

11 A. Now, regarding the question that you asked me, the Zaireans who were there
12 long before their arrival were not armed. They did not wear military uniforms.
13 They were simply informers for their fellow countrymen, so they were not armed.
14 They had no uniforms. They were simply informers.

15 Q. Thank you, Madam Witness. Thank you. Madam Witness, as a follow-up to
16 that question, I would like to know whether there were many of them, and I'm
17 referring to those Zaireans who were there prior to the arrival of the Banyamulengue.

18 A. They were not many. There were only a few of them who served as informers.

19 Q. Thank you. In document CAR-OTP-0052-0624, paragraph 3, you stated that
20 (Redacted), or a demonstration, and that the two Banyamulengues who
21 stopped (Redacted)

22 (Redacted) that the President of the Republic had instructed them to kill all
23 men and boys five years and older and to rape the women of PK12. Did you hear
24 that statement yourself, or did someone simply tell you about it?

25 A. What I'm saying is that we had already carried out the march. They asked us

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1 to return to the neighbourhood chief's compound. It was then that they said those
2 things. There were many people present when they were speaking, and I heard
3 them say it.

4 MR ZARAMBAUD: (Interpretation) Thank you very much, Madam Witness. I
5 do not think it would be necessary for me to put the other questions to you which
6 have already been put by the Prosecutor, so I will not revisit them, and I thank the
7 Chamber once again for having granted me leave to question you. Thank you.

8 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud. Maître Liriss, is the
9 Defence ready?

10 MR LIRISS: (Interpretation) Yes, the Defence is always ready, Madam President,
11 except that today we are ready to ask some questions of a general nature and
12 tomorrow we will be more specific after having analysed the transcript of today and,
13 with your leave, I am going to hand over to Maître Kilolo who will question the
14 witness.

15 PRESIDING JUDGE STEINER: Yes. Maître Kilolo, before you start with the
16 questioning of the witness, the Chamber received the list of documents that the
17 Defence intends to use for its questioning of Witness 79, so the Chamber requests the
18 Defence that in today's questioning the Defence refrains from using items 12 and 16 of
19 its list of evidence in order to give the Chamber the opportunity to deliberate on the
20 admissibility of such items for the purpose of the questioning. The Chamber will
21 come with a decision at the beginning of tomorrow's session.

22 So the Defence can start its questioning, but please just refrain from using documents
23 12 and 16. You have the floor, Maître Kilolo.

24 MR KILOLO: (Interpretation) Thank you, Madam President, for giving me the
25 floor.

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1 (Pause in proceedings)

2 PRESIDING JUDGE STEINER: Maître Liriss.

3 MR LIRISS: (Interpretation) Madam President, we have understood your
4 instructions and will follow them scrupulously. However, if the Chamber is to rule
5 on the admissibility of these items, it seems to me that an opportunity should also be
6 afforded to the Defence to explain why it feels that these items are admissible.

7 PRESIDING JUDGE STEINER: You can proceed.

8 MR LIRISS: (Interpretation) Madam President, these items are statements of two
9 witnesses of the Prosecutor originally used as a basis of the confirmation of the
10 charges facing our client. Then, in your Chamber, the Prosecution felt necessary, for
11 reasons unknown to us - perhaps part of their strategy - no longer to use those
12 witnesses and not to call the witnesses to testify in the Court.

13 The Defence feels, given the list of items of evidence that the Prosecutor has
14 produced -- more specifically in Annex A, the Prosecutor refers on several occasions
15 to the statements by those two witnesses, and the Defence therefore feels not merely
16 because those two witnesses were used during the confirmation hearings of the
17 charges, but in addition because the Prosecution - although they have no longer called
18 these witnesses to testify before you, because they're using the statements of those
19 two witnesses in the different items of evidence, in particular Annex A of the list of
20 evidence - the Defence feels that it is also entitled to refer to those witnesses to back
21 up its defence; particularly since one cannot reject the testimony of a witness and note
22 only the parts of the statement which appear favourable to one party.

23 If the Prosecution only takes the statements which they feel are favourable to them,
24 I think that we too should also be able to refer to statements which are favourable to
25 us. That's why we thought and we already did this. During the hearing of a

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1 previous witness, we did indeed place on record the statement of one of the two
2 witnesses, and we explained why and we received no objection to that.

3 Those are the reasons leading me to refer to the statements of those two witnesses.

4 Thank you for your attention, Madam President.

5 PRESIDING JUDGE STEINER: May I ask whether the Prosecution would like to
6 add something?

7 MR YILLAH: Madam President, your Honours. My name is Ibrahim Yillah, and
8 I'll be responding on behalf of the Prosecution.

9 Madam President, the test for the admissibility of evidence in this Court is set out in
10 Article 69(3) which shows - as Madam President knows, but just to repeat for the
11 purpose of responding - that for any piece of evidence to be admissible, the Defence
12 has to show its relevance, its probative value and that it's admission would not affect
13 the fair evaluation of the testimony of the witness.

14 In the particular circumstances of this witness, Madam President, we're not under an
15 obligation as the Defence is seeking the Chamber to believe to use every part of every
16 evidence that we collected. Madam President, if the Defence is using merely the
17 contents of these two transcribed statements, then we do not have a problem
18 depending on the formulation. If, however, the Defence is seeking to admit the
19 evidence of these other witnesses through this witness, then the Prosecution would
20 object to that approach by the Defence.

21 That will be the Prosecution's submissions, unless we wait to hear from the Defence
22 and then we will formulate our response appropriately, as and when they arise.

23 PRESIDING JUDGE STEINER: Maître Liriss.

24 MR LIRISS: (Interpretation) Madam, these two documents are designed to
25 corroborate a statement by the Prosecutor; in particular, as regards the time when the

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1 MLC troops arrived. Those documents will not be used against this witness, but
2 they will be used to corroborate in relation to the Court a statement from the
3 Prosecutor which was accepted as being admissible. Thank you.

4 PRESIDING JUDGE STEINER: Anything else?

5 MR YILLAH: Just one point, Madam President, your Honours. As we have
6 indicated, the Defence has to meet the statutory threshold if they want your Honours
7 to admit these documents, but, again, for the sake of moving on - for
8 expeditiousness - if the Defence is using contents, facts from these statements, then
9 depending on how they use it the Prosecution may object or may not object.

10 But if, however, they seek to tender the evidence of those witnesses through this
11 witness, then at the outset the Prosecution registers its objection. And if it seeks to
12 do so, will again register its objection. That will be our position, Madam President.

13 PRESIDING JUDGE STEINER: Is it the Defence intention to tender these documents
14 into evidence?

15 MR LIRISS: (Interpretation) The -- when the time comes, the Defence will make a
16 request to that effect, but at this stage the Defence just wants to corroborate an
17 element of evidence from the Prosecutor which the Defence -- which the Defence
18 admitted, but in any case we would only use this document in as far as the Prosecutor
19 comes back to the statements regarding the dates which I referred to previously; no
20 more, no less. Subsequently, we may make a request, as you asked us to do
21 previously, to ask whether if we feel these statements could be -- could be tendered
22 into evidence.

23 PRESIDING JUDGE STEINER: So the Chamber will deliberate on this topic and
24 tomorrow morning will come with the decision. What needs to be clear is that
25 usually, Maître Liriss, documents are not used in the courtroom in the questioning of

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1 a witness, in no condition. They have to be evidence, or non-evidence hearing, or in
2 which condition you intend to bring these documents, because you put them in your
3 list of documents.

4 It has to be clear that, in principle, the Chamber has issued a decision that evidence
5 tendered by the parties is admitted prima facie, even before any evaluation on the
6 probative value, et cetera. So I don't think it's -- this is the point that was raised by
7 the Prosecution, but in which condition the Defence intends to use these two
8 documents?

9 Is the Defence tendering them into evidence? Is it just going to mention them and no
10 ERN number or reference is going to be given? This has to be clear before the
11 documents are used in the questioning of the present witness in order to avoid
12 misunderstandings. Is that clear, Maître Liriss?

13 MR LIRISS: (Interpretation) It is clear, Madam. These documents are just here to
14 draw the attention of the Court to corroborative items. We will not use them against
15 this witness.

16 PRESIDING JUDGE STEINER: And just by way of clarification, the Defence
17 mentions the transcript of interview 0020-0191_RO1, where there is a last redacted
18 version available in Ringtail. So if the Defence intends to use, maybe it is better to
19 use reference RO2 instead of RO1 for document 0191. The Defence, please. Maître
20 Kilolo, you can start with your questioning of Witness 79.

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

22 QUESTIONED BY MR KILOLO: (Interpretation)

23 Q. Madam Witness, I am Maître Aimé Kilolo. I am one of Mr Jean-Pierre Bemba's
24 counsel. I will be questioning you in the context of the preliminary statements that
25 you made to the investigators of the Office of the Prosecutor, and also the statements

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1 that you have made before the Chamber. Do you understand me?

2 A. I do understand you.

3 Q. Thank you. I'd like to reassure you from the outset I'm not here to oppress you.

4 I'm not going to go into details of the unfortunate facts which you claim to have

5 suffered but, in order to ascertain the truth, I will have to ask you a certain number of

6 precise questions on the statements that you've already made. Is that agreeable to

7 you?

8 A. Yes, that is agreeable to me.

9 Q. Thank you. Madam Witness, without further ado, I would like to come back to

10 the transcript of 28 February 2011, page 55, line 26 to 28, and page 56, line 1 to 14, in

11 the French version, the non-edited real-time French version. Madam President of

12 the -- Madam President of the Chamber asked you whether you had had an

13 opportunity to re-read all the statements that you had made to the investigators of the

14 Office of the Prosecutor and you said not merely had you re-read your statements,

15 but that in addition they were accurate and reflected what you had experienced.

16 Can you once again confirm this?

17 A. I do confirm that. What I said was the truth. Questions were put to me and

18 I had to give clarification.

19 Q. Thank you. I would like to come back to a statement you made in the hearing

20 today. I'm referring to the transcript in real-time in French version, 1 March 2011,

21 page 32, lines 5 to 11, and I quote what you stated: "The leader of the

22 Banyamulengue addressed us and he said, 'You, the inhabitants of PK12, if we had

23 behaved as requested by the President, the situation would be more dramatic.' He

24 said that the President had instructed them to come to PK12 ..." -- I'm sorry, Madam

25 President, but I have the impression there is a problem with the transcript in French.

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1 It is working, Madam President. So, Madam Witness, I continue with my question.

2 You said, "'The President -- had we done what the President asked us to do the
3 situation would have been more dramatic.' He said that the President had instructed
4 them to come to PK12 to attack PK12 and to kill all the men and all the boys aged five
5 years and older," end of quotation. My question, Madam Witness, is as follows:

6 What President are you talking about?

7 A. Let me explain. The President at the time was Patassé, but the Banyamulengue
8 were sent by Jean-Pierre Bemba to help Patassé. That's why they came and that is
9 what they told us in the presence of the neighbourhood chief.

10 Q. Thank you very much. Madam Witness, if this is agreeable to you, I would
11 like to ask you to be very careful to the -- about the questions I'm going to ask you so
12 that you can answer them very precisely. Later we may come to the question of who
13 may have sent these so-called Banyamulengue to Central Africa. The question I
14 asked you previously was, who is the President who instructed the Banyamulengue
15 whom you met to come to PK12, to invade PK12 and to kill all the males? That is my
16 precise question.

17 A. It was Patassé.

18 Q. Thank you. Madam Witness, on the same question, forgive me if you have the
19 impression that I am repeating the same thing, but in fact it is to enable the Chamber
20 to have all the details about what we're talking about now about the arrival of the
21 Banyamulengue in PK12, and I will read to you an extract of a statement you made to
22 the investigators of the Office of the Prosecutor in Bangui, and then I will ask you
23 the -- my question. Do you have any objections to that?

24 A. No, I have no objections.

25 Q. Thank you. I will refer for the record of this hearing to document

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1 CAR-OTP-0052-0627_R01. That is the French version. I will read an extract from
2 your statement to the investigators of the ICC so, firstly, I will repeat the question put
3 by the investigators: "Another point which you raised in relation to the intervention
4 of the Banyamulengue was the fact that the President had told them to kill the men
5 and boys over the age of five and that the women should be taken as wives. Who
6 was that President?", and your answer, and I quote you, "At the time, the President
7 was Patassé," end of quotation. Can you confirm that statement?

8 A. I was clear. You understood me clearly. Why are you asking me the same
9 question again? I was clear.

10 Q. Thank you very much for providing this clarification. Madam Witness, I will
11 re-read to you a final extract from a statement that you made to the investigators of
12 the Office of the Prosecutor in Bangui on the same subject. Once again, forgive me
13 for coming back to this, but it is simply because your additional statement on the
14 same subject does clarify -- does qualify certain aspects and provides additional
15 information which may be useful to clarify the situation to the Chamber. Do you
16 have any objection to my reading this extract to you before I put my question?

17 A. Read -- read the extract, counsel. I'm listening to you.

18 Q. For the record of the hearing, I'm referring to document
19 CAR-OTP-0052-0624_R01. This is the French version of the statement which you
20 made to the investigators of the Office of the Prosecutor in Bangui, and I quote your
21 statement first and then I will put my question. You stated the following, and I
22 quote:

23 "When he said that the President had asked them to come here and to do this kind of
24 thing to the people in PK12, he explained subsequently that the President had asked
25 them to come to PK12 and to kill the men and boys aged five and over, and that if

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1 they encountered any women they were their wives, because all the people from
2 PK12 were rebels. He said that the people who raped -- that the people who -- the
3 people who stole from the people were not soldiers and if, as soon as you saw anyone
4 stealing from you, you should report them."

5 My first question is, can you confirm that statement?

6 A. That day it was -- if Jean-Pierre Bemba had not sent soldiers, Patassé would not
7 have been able to send his men to commit these acts of violence. He agreed to send
8 his soldiers to our country, and those soldiers arrived and carried out acts of violence.

9 Q. Thank you, Madam Witness, for your answer. My precise question bearing
10 upon this topic is designed to elicit the following: Who is the president who asked
11 the Banyamulengue to come to PK12? Is it Patassé? Are we talking about Patassé
12 here?

13 A. On that particular day, it was Jean -- well, if Jean-Pierre Bemba hadn't wished to
14 help Patassé, would Patassé have had the opportunity, or even the possibility, to send
15 people, or men, to our homes? I don't think so. Jean-Pierre Bemba accepted to send
16 men to Patassé and that's why these men came, and they came to commit violent acts.
17 And if these men hadn't come, well, we wouldn't have suffered all the things that we
18 suffered.

19 Q. Thank you, Madam Witness. I am not calling into doubt, Madam Witness, that
20 you have things to say. May I ask you, however, once again to focus your mind
21 upon the question - the exact question - that I am putting to you; that is, who is the
22 president who asked the Banyamulengue to come to PK12?

23 A. You're asking my the same questions. We are going to have to go over old
24 ground again. If Jean-Pierre Bemba hadn't accepted to send men to Patassé, well,
25 then he wouldn't -- they wouldn't have come right to us. Jean-Pierre Bemba

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1 accepted to help Patassé, but he himself, he was unhappy. He was unhappy because
2 Jean-Pierre Bemba accepted to send men, and that's why they went into our homes,
3 right up into our homes, to commit all these atrocities. Patassé, for his part, what
4 means did he have to send men? Well, Jean-Pierre Bemba sent men.

5 Q. Thank you very much, Madam Witness. Madam Witness, I'm now going to
6 read for you -- perhaps this will clarify my question. I'm going to read an excerpt of a
7 statement that you made before investigators of the OTP at Bangui, and I'm referring
8 to document CAR-OTP-0052-0625_R01. This is the French version that I'm referring
9 to. So I'm going to read the question that was put to you by the OTP investigators.
10 In addition to that, I'm going to give -- I'm going to read out the answer that you
11 furnished to these latter: "When the Banyamulengue spoke about a President, what
12 President were they referring to?" Your answer, "Patassé." Can you confirm that
13 statement?

14 A. I've already told you quite clearly that it was indeed what they said, but my
15 question is the following: If Mr Patassé -- well, if Jean-Pierre Bemba hadn't
16 supported -- well, when we went there, you know, when rebels turned up, they shot
17 in the air, but we weren't assailed. We weren't attacked. We suffered no atrocity at
18 their hands. But Jean-Pierre Bemba, he accepted to send the Banyamulengue to
19 Mr Patassé and then Patassé sent them to PK12. The women and children at PK12,
20 are they rebels? They're not rebels. The population -- well, the rebels had already
21 withdrawn, but the inhabitants of PK12 who were living in peace there, how could
22 they be rebels?

23 PRESIDING JUDGE STEINER: Madam Witness, just to explain that sometimes the
24 Prosecution or the Defence, they need to ask the same question one, two, three times,
25 in order to make it clear if everyone understood the answer. So, don't take offence if

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1 the Defence needs from time to time to repeat a question. This is normal during a
2 questioning. Is that fine with you?
3 THE WITNESS: (Interpretation) I accept.
4 PRESIDING JUDGE STEINER: Ms Kneuer.
5 MS KNEUER: Thank you, Madam President. I would like to make a suggestion to
6 your Honours, if the Defence counsel is quoting, that he's quoting the entire answer of
7 the witness and not just portions of it. As I see it, the witness did not simply
8 respond to the question of the investigator by saying "Patassé." There's another
9 sentence that she said, and I think it would be fair to the witness to provide her the
10 full response that she gave to the investigators. It would be fair and it would not
11 confuse her and perhaps even not upset her. Thank you very much.
12 PRESIDING JUDGE STEINER: Suggestion accepted. Maître Liriss.
13 MR LIRISS: (Interpretation) Your Honour, the statement made by the Prosecution
14 leads you to believe that there has been some double-dealing, but it's the entirety of
15 the answer to a question. Let me read it to you, with your leave: "When the
16 Banyamulengue talked about one president, what president were they referring to?"
17 Answer: "Patassé. It was President Patassé, and Bemba sent them as
18 reinforcements." Counsel Kilolo has just said this, and the answer was "Patassé."
19 Isn't that the full answer? Should he have continued to say, "Well, it was President
20 Patassé, and Bemba sent them as reinforcements"? I mean, there's no double-dealing
21 on the part of Defence counsel in this respect, and if Prosecution deems that the
22 question, or that the reference - how can I put it - that the quotation wasn't properly
23 read, wasn't read in its entirety, well, I think it would be fair that the Prosecution
24 would read it so that the Chamber would realise if, yes and no, whether there was an
25 iniquitous act on our part.

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1 PRESIDING JUDGE STEINER: Maître Liriss, I think we should try to avoid, as
2 much as possible, that the Prosecutor intervenes every time in order to ask the
3 Defence to read the complete answer. I think the suggestion that the Defence, when
4 quotes something, tells the whole quotation to the witness has been already discussed
5 previously in this courtroom. It's always advisable that the whole quotation is given
6 to the witness, in order for the witness to confirm, or not, if this is what the witness
7 meant instead of taking something -- I'm not saying that this was the Defence
8 intention, but taking something out of context. We have already had this discussion
9 and I would like very much the Defence to follow the instructions that were given
10 that quotations should be read in full.

11 Maître Kilolo, you can proceed.

12 MR KILOLO: (Interpretation) Thank you. Thank you, your Honour, and rest
13 assured that we are fully taking on board what you have just said.

14 Q. Madam Witness, in all likelihood I will continue to be -- well, I suppose I'll be
15 asking you my last question pertaining to the issue that we referred to a little earlier
16 on. In truth, there are two distinct issues at hand: The issue as to know who
17 accepted to respond to the request made by President Patassé for the dispatching of
18 troops to Central African Republic, and then there's another question. The only
19 question that I put to you was to establish the following: Which president deployed
20 the troops that you claim are the Banyamulengue in the sector of PK12? Would you
21 mind communicating that name to me?

22 A. Well, how many times am I going to answer you? I've already told you that it
23 was Mr Patassé. It was he who gave you the instructions, but if Mr Bemba hadn't
24 sent assistance to him, he wouldn't have had the opportunity to commit these
25 atrocities.

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1 Q. Thank you, Madam Witness. I'm entirely satisfied by your answer. I will
2 now move to a different topic.

3 Madam Witness, I'm now going to read a brief excerpt from a statement that you
4 made to the investigators of the OTP in Bangui. I'm going to cite the reference for
5 the record, CAR-OTP-0052-0606_R01. You were questioned with regards to the
6 Banyamulengue, or the alleged Banyamulengue, that you claim to have seen enter
7 PK12 on the road. I'm now quoting from your statement. The question that was
8 put to you was the following: "Were you able to see somebody who was leading
9 them, or a leader?" And your answer was, "No, I saw nobody. They were simply
10 walking down the road." So here's my question: Could you confirm that
11 statement?

12 A. Yes, I confirm. They were going by, along the main road, and they were
13 walking one after the other. The day they arrived, they didn't shoot in the air. It
14 was only the following that they deployed within the neighbourhood and that they
15 started raping women, looting and committing a lot of other atrocities, but one -- the
16 day they arrived, they hadn't shot at that point.

17 Q. Thank you. So for the sake of clarity, my precise question bearing upon this
18 very point is to establish the following: Can you confirm that among these
19 Banyamulengue that you saw enter at PK12 that you didn't see the presence of a
20 leader or somebody who was leading these people? Can you confirm having not
21 seen a leader among those people that are called the Banyamulengue -- that are being
22 called the Banyamulengue?

23 A. They were walking, one behind the other, so I couldn't identify their leader.
24 And they weren't talking to anybody, they weren't touching anybody. They were
25 just marching, one behind the other, down the road. They were all armed.

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1 Q. Thank you. Madam Witness, I would like to put to you another question, this
2 time with regards to the Banyamulengue of which you say that they were looting
3 other people's goods in PK12. I'm going to read an excerpt from your statement, and
4 I'm referring to document CAR-OTP-0052-0608_R01 in the French version.

5 This is what you state when referring to the Banyamulengue: "They went into
6 people's homes and took hold of their belongings." Now, this is the question put to
7 you by the investigators: "When did you see them do such activities, was there a
8 leader?" Your answer: "No."

9 Can you confirm that statement?

10 A. That's right. They were looting other people's goods, but I wasn't able to
11 identify their leader.

12 Q. So should I understand you're confirming your statement?

13 A. Yes, but this is what I'm trying to say.

14 Q. Thank you. Madam Witness, the two Banyamulengue leaders that you were
15 able to meet at PK12, did they tell you to tell them if goods had been looted at PK12?

16 A. Yes, that's what they said, but could I have any -- how could I have had any
17 opportunity to go up to them, to speak to them, when all the Banyamulengue were
18 armed and they were pretty much everywhere in the sector? Nobody could go up to
19 them.

20 Q. Thank you. My question is the following, for the sake of clarity: Did you
21 personally note any acts of pillage to these officers, or not?

22 A. How could I possibly do that? I was frightened. There was gunfire. In the
23 meantime, there were lots of us. I mean, when we went and did our protest
24 march -- but, I mean, even after that who would have been brave enough to have left
25 their homes? Everybody was frightened. There was gunfire everywhere. You

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1 couldn't leave your home. If you were brave enough to leave your home and you
2 were to be struck by a bullet, what would happen then?

3 Q. Thank you. Madam Witness, to your knowledge, did somebody other than
4 yourself report acts of looting to the alleged Banyamulengue officers?

5 A. No, I didn't hear tell of that, and I don't know who would have had the
6 opportunity to go and do so. I really was -- I really wonder who would have had the
7 courage to do so. And given the fact they were so mobile, I mean where would you
8 go to locate them to actually note -- bring this looting to their attention?

9 Q. Thank you. I would like to put another question to you with regards to the
10 Banyamulengue, or the alleged Banyamulengue, that it is claimed entered your home.
11 I'm going to read an excerpt from a statement that you made before the OTP
12 investigators at Bangui, and I'm referring to the French transcript -- the French
13 version of the document CAR-OTP-0052-0637_R01.

14 Now, I quote the question in your statement: "I mean the Banyamulengue that came
15 and that treated us badly." The question from the investigator: "Among those who
16 came into your home, do you know if there was a leader?" Your answer: "I cannot
17 tell you whether there was a leader or not among them. I don't know." Question
18 from the investigator: "Did you notice whether they had any communication
19 devices?" Your answer: "It was dark; I couldn't see anything."
20 My question: Can you confirm your statement?

21 A. I confirm that statement.

22 Q. Thank you very much. Madam Witness, at that time, 2002/2003, did you have
23 a radio set?

24 A. At the time of the events, I had a radio set, but they took it. They took all these
25 radios. When I left to PK5, I bought a radio set to listen to the news.

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1 Q. Can you, Madam Witness, tell me what radio programme did you follow
2 customarily?

3 A. What programme are you talking about? On -- over the different channels,
4 there are news about violent acts committed by Banyamulengue.

5 Q. Were you used to following the Ndeke Luka radio station?

6 A. Yes, why not? I mean, I'm still alive so I listen to Ndeke Luka radio station.

7 Q. Do you know whether this radio station talked at one point in time of mass rape
8 of women at Bangui, or elsewhere?

9 A. Yes, there was such news about the Banyamulengue going into various
10 localities and committing violent acts, but the women who were raped I heard that
11 from the mouths - the very mouths - of the victims who suffered those rapes.

12 Q. Thank you. Just to round off on this question, I'd like to read an excerpt from a
13 statement that you made to investigators from the OTP. I'm referring to document,
14 the French document, CAR-OTP-0052-0643_R01.

15 Now, with regard to your radio set and the Ndeke Luka programme, you say the
16 following, the question from the investigator: "Did you ever hear them talk about
17 things, talk about the things that they did to women at that time?" Your answer:
18 "At that time, I heard nothing about women, about the women, but following that,
19 when Madam Sayo set up her association to gather people together, they started
20 talking about that over the radio."

21 Can you confirm that statement?

22 A. I confirm that statement. I had a radio set and I followed the news. After that,
23 I asked the question to ask: "Well, do you listen to the radio?" That's what I said.

24 MR KILOLO: (Interpretation) Your Honour, do you think that we could have two
25 or three extra minutes to round off this particular question?

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1 PRESIDING JUDGE STEINER: Are the interpreters available for two or three more
2 minutes?

3 THE INTERPRETER: Yes, says the interpreter.

4 PRESIDING JUDGE STEINER: Thank you very much.

5 MR KILOLO: (Interpretation) Thank you.

6 Q. So, Madam Witness, just to round off on this question I would like to read to
7 you an excerpt - an additional excerpt - from a statement that you made to
8 investigators. I'm referring to document, in the French document,
9 CAR-OTP-0052-0644_R01. So, I'm quoting the question put to you by the
10 investigators, "Discussions over the radio with regard to women, were these
11 discussions before or after the arrival of the President?" Your answer, "It was after
12 the arrival of the President thanks to the NGO of Madam Sayo." Can you confirm
13 that statement?

14 A. Well, you're asking the same question to me. When they asked me the
15 question I answered, and then I asked them, "Well, didn't you listen to the radio,
16 because it was said over the radio?" You know, we met, that's right, when the NGO
17 was set up and there were lots of victims who spoke of what had happened to
18 them -- spoke about what had happened to them.

19 Q. Thank you. Madam Witness, my question - my exact question - was to
20 establish the information that you listened to over the radio, on the Ndeke Luka,
21 bearing upon the rape of women, was that before 15 March, or after 15 March?

22 A. No, it was -- it didn't last very long, because I went to Kilometre 5 and I bought
23 a radio set and I followed news pertaining to the violent acts committed by the
24 Banyamulengue in the small localities. That's what I heard over the news.

25 Q. Thank you. So that news on rapes of women at Bangui, or elsewhere in

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1 Central African Republic, you heard that on the Ndeke Luka radio station before the
2 President Bozizé took power, or after; in other words, when he became President
3 following 15 March?

4 A. After that I went to PK5 and I bought a radio set and it is from -- well, it is with
5 that radio set that I was able to hear the news and it is a little after that President
6 Bozizé took power. The information I had before the -- before the President entered
7 the city of Bangui.

8 MR KILOLO: (Interpretation) Your Honour, I fear that I have surpassed my three
9 minutes. I am not satisfied but perhaps tomorrow I will have an opportunity to
10 return to this very question.

11 PRESIDING JUDGE STEINER: I think it is advisable. Maybe the witness now
12 needs to take some rest. It has been a long, long day. Madam Witness, we are
13 going to adjourn our hearing now. You can go to your hotel, take some rest. We
14 wish you have a restful night and we'll continue tomorrow morning at 9.30 in the
15 morning.

16 I thank very much the Prosecution team, the legal representatives of victims, the
17 Defence team, Mr Jean-Pierre Bemba Gombo. Thank you very much as always our
18 interpreters and court reporters. We are going to turn into closed session in order
19 for the witness to be taken outside the courtroom, and in the meantime we are going
20 to adjourn in order to resume tomorrow morning at 9.30 in the morning. Court
21 officer, please.

22 *(Closed session at 5.05 p.m.) Reclassified as Open session

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

24 (The witness stands down)

25 THE COURT OFFICER: All rise.

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1 (The hearing ends at 5.05 p.m.)

2 CORRECTIONS REPORT:

3 The Court Interpretation and Translation Section has made the following corrections
4 in the transcript:

5 *Page 8 line 16

6 "...came from PK12." Is corrected by "...came from PK13."

7 *Page 32 line 15

8 "A brief clarification, if you will. My Libyan" Is corrected by "A brief clarification, if
9 you will. My colleague reads well"

10 RECLASSIFICATION REPORT

11 Pursuant to Trial Chamber III 's Second Order, ICC-01/05-01/08-2223, dated 4 June
12 2012, and the instructions in the email dated 29 October 2013, the version of the
13 transcript with its redactions becomes Public.