

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0080

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Situation: Central African Republic

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

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

6 Trial Hearing

7 Wednesday, 9 February 2011

8 (The hearing starts in open session at 9.33 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

12 in open session.

13 PRESIDING JUDGE STEINER: Good morning. Please, court officer, call the case.

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

15 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.

16 PRESIDING JUDGE STEINER: So I would like to welcome the Prosecution's team,

17 the legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba Gombo.

18 Good morning to our interpreters and court reporters.

19 We are going to continue this morning with the questioning of Witness 80 by the

20 Defence, and for that purpose I ask, please, the court usher -- the court officer to turn

21 into closed session in order for the witness to be brought into the courtroom.

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

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

24 (The witness enters the courtroom)

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

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- 1 (The witness speaks Sango)
- 2 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 3 (Open session at 9.36 a.m.)
- 4 THE COURT OFFICER: We are in open session, Madam President.
- 5 PRESIDING JUDGE STEINER: Thank you, court officer. Good morning, Madam.
- 6 THE WITNESS: (Interpretation) Good morning.
- 7 PRESIDING JUDGE STEINER: Did you manage to sleep well and to rest during the
- 8 night?
- 9 THE WITNESS: (Interpretation) Yes, I did.
- 10 PRESIDING JUDGE STEINER: Yes? Are you ready, Madam, to continue giving
- 11 your testimony before this Court?
- 12 THE WITNESS: (Interpretation) Yes.
- 13 PRESIDING JUDGE STEINER: Thank you. Madam Witness, I need to remind you
- 14 that you are still under oath. Do you understand that, Madam? Madam, do you
- 15 understand what I said, that you are still under oath?
- 16 THE WITNESS: (Interpretation) Yes. Yes, I do.
- 17 PRESIDING JUDGE STEINER: I also would like to remind you that when we are in
- 18 open session you should avoid mentioning names of family members, or neighbours,
- 19 and any information that can lead to your identification. You are under protective
- 20 measures. Your image and your voice that is broadcast outside the courtroom are
- 21 being distorted so nobody can identify you by your face, or by your voice, but if you
- 22 need to mention any names or any information that can identify family members, we
- 23 have to go into private session in order to protect their identities as well. Do you
- 24 understand that, Madam?
- 25 THE WITNESS: (Interpretation) Yes, I have perfectly well understood that.

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- 1 PRESIDING JUDGE STEINER: And finally, Madam, just to remind you that at any
2 time you feel tired, or distressed, or for any reason you need a break, you just let us
3 know and you will have as many breaks as you need. Is that fine with you, Madam?
- 4 THE WITNESS: (Interpretation) Yes, I have understood that well.
- 5 PRESIDING JUDGE STEINER: Thank you. Now I will give the floor to Maître
6 Liriss. He will continue questioning you. Maître Liriss.
- 7 MR LIRISS: (Interpretation) Your Honour, Honourable Judges, I'm afraid I have
8 got a flu. I hope it won't spread throughout the courtroom.
- 9 PRESIDING JUDGE STEINER: I hope so.
- 10 QUESTIONED BY MR LIRISS: (Interpretation) (Continuing)
- 11 Q. Good morning, Madam Witness.
- 12 A. Good morning, Maître.
- 13 Q. Yesterday I beseeched you not to get angry, not to get annoyed, and above all
14 consider we are doing the same work. You want truth to triumph. So do I. Some
15 questions, as I told you, may seem repetitive, or even useless at first sight. However,
16 they are important for the Chamber. I will try to do my best to ensure you can be in
17 a position where you can answer clearly any question I may ask you, and in fact I
18 believe that most of my questions will be carried out in a closed session. Are we in
19 agreement, Madam Witness?
- 20 A. Yes, I understand you well.
- 21 Q. Madam Witness, information held by the Court and the parties shows that on 2,
22 3 and 4 September 2008 in Bangui you made statements to the investigators from the
23 Prosecutor's office. Is this exact?
- 24 A. Yes.
- 25 Q. Madam Witness, did you sign these statements?

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1 A. Yes.

2 Q. Were you given an opportunity to read them again, or were they read out to
3 you before you signed them?

4 A. Yes.

5 Q. Do you believe that the content of these statements expresses the truth as you
6 considered it was at that time?

7 A. Yes, it's the truth. There are no lies.

8 Q. Madam Witness, I'm going to read out one of your statements to you. In a
9 document CAR-OTP-0034-995_R0 in French, English reference 028-0173, you
10 answered the first question in which the investigator said the following: "Previously,
11 you stated that the Banyamulengue wanted to cut your head off. Why did they
12 want to do that?", and you answered, "After the fighting in PK22, the rebels pulled
13 out from Damara, the Banyamulengue came back and set up a base in PK22. They
14 were getting ready during the day to cut people's heads during the night and then
15 leave," et cetera, et cetera.

16 PRESIDING JUDGE STEINER: Maître Liriss, excuse me. PK12 or PK22? You
17 mentioned PK22.

18 MR LIRISS: (Interpretation) I'm sorry, they came back and set up their base in PK12.
19 You are right.

20 Q. Madam Witness, do you confirm the statement?

21 A. Yes, I confirm it. That's what I saw and that's what I told the investigators.

22 Q. According to you, who may have given foreign troops the authorisation and the
23 required facilities to set up a base in PK12?

24 A. That was Mr Patassé.

25 Q. Thank you, Madam Witness. In document CAR-00334-00994_R0(sic), and in

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1 English it is 0028-0173, I will read out to you your statement, to the very last question
2 on that page: "Why did Patassé believe that the people in PK12 were sheltering
3 rebels?" You answered, "In fact, the rebels were his enemies. That's why he called
4 the Banyamulengue to fight the rebels. When the Banyamulengue came, they did
5 not know PK12 well and therefore they moved us to (Redacted) and they fought the
6 rebels over there. It was a hard battle." I'll stop there. I can complete the sentence
7 to help you remember it. I will do that, but for the time being I will stop here. Do
8 you recognise these statements as having been uttered by you yourself?

9 A. I said that.

10 Q. Thank you, Madam Witness. I'll have two questions on this point. First of all,
11 when you said "They moved us to (Redacted)," whom were you talking about?

12 A. They didn't bring us to (Redacted). We decided ourselves to flee and run away
13 to find shelter over there, because we were told other troops were going to come.
14 That's why the father of the children gave me the order to flee with the children to
15 find shelter over there. Unfortunately, we were subjected to the same kind of events
16 over there.

17 Q. Okay, Madam, that's clearer. Subsequently, you said that there was a tough
18 battle, tough. How do you know that this fighting was tough?

19 A. I knew it because the fighting went on from the morning until the evening and
20 that's why I said that.

21 Q. Did you in one way or another see or live through this fighting?

22 A. I was there. I was in (Redacted) on the road that leads to the fields. I wasn't
23 close to the road, but we saw what was going on. There were bullets, ammunition,
24 lying on the ground. There was really heavy fighting.

25 Q. Were any rebels killed, or any of the Banyamulengue, or any civilians?

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1 A. I only saw corpses when we were fleeing. We saw corpses lying on the
2 ground.

3 Q. These corpses you saw, were they wearing uniforms, some of them, and were
4 * some of them not wearing uniforms?

5 A. The corpse I saw was wearing civilian clothes, and towards (Redacted) they killed
6 Mr Sayo who was the head of the (Redacted) school. They went to his home to kill him.

7 Q. Thank you, Madam. We will talk about Mr Sayo's death later on. We have
8 information that explains how he was killed. However, yesterday in the transcript
9 in real-time on page 31, lines 1 to 3, French transcript, you made a statement in which
10 you said you saw many corpses lying on the ground. Today you tell us you saw one
11 corpse and the second person killed whom you didn't see was Mr Sayo. My
12 question is as follows: Do you confirm that following this fighting, or during this
13 fighting, you saw many corpses lying on the ground?

14 A. You can read the relevant documents. I said that I saw corpses lying on the
15 ground when we fled.

16 Q. All right, Madam Witness, but that's why I'm asking the following question:
17 Those corpses, and you are using the plural, those corpses you saw were they
18 wearing uniforms or not, or were some wearing uniforms and others not and were
19 others wearing civilian clothes?

20 A. We were rushing. I didn't have time to check how the corpses were dressed.
21 I was only worried about surviving myself.

22 Q. That is comprehensible, Madam Witness, but on what basis do you affirm that
23 these corpses - these dead people - were due only to the Banyamulengue?

24 A. But it was during the fighting. These people were killed during this fighting.
25 I can't lie.

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1 Q. I agree with you, Madam Witness. These people died because of the fighting.

2 Am I right to say that?

3 A. Those people were killed during the fighting. If there hadn't been this fighting,
4 they would not have been killed.

5 Q. Thank you, Madam Witness. Therefore, the testimony you made yesterday,
6 according to which these were people who were killed by the Banyamulengue and by
7 nobody else because only they had weapons is not correct, is it?

8 PRESIDING JUDGE STEINER: Ms Kneuer.

9 MS KNEUER: Thank you, Madam President. Could counsel please provide the
10 reference of yesterday's transcript when the witness mentioned what he just stated?

11 PRESIDING JUDGE STEINER: Maître Liriss, please.

12 MR LIRISS: (Interpretation) Madam President, it's the French version page 31, line
13 1 to the end. I can even read it out to you: "I did not witness any killings, but it
14 was on our way to (Redacted), when we were fleeing, that we saw dead bodies on the
15 ground." Question: "Do you know who killed these people, that is the bodies that
16 you saw?" Answer: "I do not know. They were the only ones who were armed.
17 During those events, if there were killings, they were the ones who had to be accused,
18 but at this particular time it is not possible for me to know who killed those people."

19 Q. Madam Witness, you testified that those killings could only be attributed to the
20 Banyamulengues because they were the only ones who were bearing weapons. Now
21 you are telling us that those people died as a result of fighting. Is it this latest
22 version that we are supposed to take now?

23 Madam Witness, my colleague is reminding me to point out that this was fighting
24 between two factions.

25 PRESIDING JUDGE STEINER: Maître Liriss, it appears that the witness is not sure

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1 whether you put a question to her. She's waiting.

2 MR LIRISS: (Interpretation)

3 Q. Madam Witness, I was saying that the fighting that took place at (Redacted) was
4 between two factions, the Banyamulengue that I will refer to as the loyalist forces
5 against the rebel forces; is that correct?

6 THE INTERPRETER: Message from the Sango booth: We did not hear the
7 witness's answer.

8 PRESIDING JUDGE STEINER: Madam Witness, could you please repeat your
9 answer. The interpreter could not listen to you.

10 THE WITNESS: (Interpretation) I said that the Banyamulengues were fighting
11 against the rebels.

12 MR LIRISS: (Interpretation) She said that the rebels and the Banyamulengues were
13 firing at each other. That was my understanding.

14 Q. My question is as follows: The dead bodies that you saw strewn on the ground,
15 had these people been killed as a result of the fighting? I'm making an effort to split
16 the question so that you can better understand.

17 A. It was when we were fleeing to (Redacted) that we saw the dead bodies on the
18 ground. That is on our way.

19 Q. Yes, Madam Witness, but were these people killed as a result of the fighting, or
20 not?

21 A. Yes, they were committing acts of violence against people. They were pointing
22 weapons at people, so it was possible for them to kill those people.

23 Q. Madam, is it correct for me to say that it is simply a supposition on your part?
24 You are simply assuming that it was the Banyamulengue who killed those people?
25 It is not actually testimony of something that you observed?

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1 A. But these were the enemies. They came and they were against us, so it is only
2 them who could have been responsible for those killings.

3 Q. Did you witness the actual killings at the time that they were taking place?

4 A. I did not see how it happened. I saw dead bodies on the ground.

5 Q. You did not see what happened, but you assumed that it was the
6 Banyamulengues; is that correct?

7 A. They had arrived and they were misbehaving against people; particularly
8 people who were resisting them. They were maltreating people, and therefore I
9 would like to state that they were the ones who were responsible for those killings.

10 Q. Madam Witness, my question is as follows: Is it because of their behaviour
11 that you assume that they were the ones responsible for those killings?

12 A. That is correct.

13 Q. Thank you. Yesterday we adjourned at the time that I had asked a question
14 and I want to make a correction from the French version, which is different from what
15 is in the English version. In CAR-OTP-0034-1010_R02, and in English the page is
16 0189, CAR-OTP-0034-0189 in English, that is your statement to the investigators.

17 These are the questions that were put to you and which are of interest to me: "Do
18 you know who was the commander of the Banyamulengue?" And your answer was:
19 "It was Patassé," and then you changed your mind. "Do you mean the commander
20 at the location where they were? It was the President on the other side of the river.
21 I have forgotten his name. Now I remember it was Bemba." Another question from
22 the investigator: "Who was the commander of the Banyamulengues in the Central
23 African Republic?" And your answer is: "Patassé. He was the one who called
24 them." Do you confirm that statement, Madam Witness?

25 A. Yes, that is my statement.

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1 MR LIRISS: (Interpretation) Your Honour, there is a clarification to be made here.

2 There is a discrepancy between the French transcript and the English transcript. The

3 French version is page 7, line 17 -- or, rather, page 7, that is the transcription of

4 yesterday, lines 17 to 19. This has to be compared to the English version, page 6,

5 lines 21 to 23. This is what is written in the French: "And do you know who was

6 the leader of those Banyamulengues and from where he came?" Answer: "The

7 leader of the Banyamulengues is Bemba."

8 However, the English transcription states that the question was: "Do you know who is

9 the leader of the Banyamulengue, where he came from?" "The other side of the

10 river." Or, "where they came from?" Given the answer of the witness today that the

11 commander of the Banyamulengues in Central African Republic was Patassé and that

12 Bemba -- it was on the other side that they came from, I think the French version has

13 to be corrected because it is the English version that is authentic.

14 PRESIDING JUDGE STEINER: We will take note and double-check the transcripts.

15 MR LIRISS: (Interpretation) Thank you, your Honour, but I can see that the

16 witness herself has made that reference. Madam Witness, we are going to move on

17 to another line of questioning.

18 Madam President, I would like us to go into private session, please.

19 PRESIDING JUDGE STEINER: Court officer, please.

20 *(Private session at 10.15 a.m.) Reclassified as Open session

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

22 MR LIRISS: (Interpretation) I'm sorry, your Honour, I'm consulting with my

23 colleague.

24 Q. Madam Witness, I'm going to read out to you an excerpt of the testimony of

25 (Redacted), before this Court on the same events that you have

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1 talked about. It is transcript of the hearing of 25 January 2011, the non-edited
2 version in French. In fact, it is the edited version, pages 39 and 40, hearing of
3 25 January, and I will read out to you lines 26, 27 and 28 of page 39, that is as from
4 page -- or rather as from line 23.

5 Question: "But you stated that the true Banyamulengues do not speak Sango. Do
6 you think that these were the real Banyamulengues; the ones who came from the
7 other side?" (Redacted) answer: "Yes, counsel, I said that the Banyamulengues did
8 not speak Sango. That was the truth. They did not speak Sango. I confirm that it
9 is only those who were here who were doing petty jobs, those are the ones who could
10 speak Sango. This means that it was only some of them, very few of them, who
11 could speak Sango. Those are the ones who told me that and that is what I have told
12 you here."

13 Question: "Does this mean that those who assaulted you were the Banyamulengues
14 who had been recruited on the spot; the shoe shiners and others?" That is page 40.
15 "Is that correct?"

16 Answer: "Thank you, Counsel. Even if these were the shoe shiners, they had been
17 integrated into the Banyamulengue group. They constituted a single entity. Is it
18 possible to distinguish between them?"

19 Well, that was your husband's testimony. To the best of your knowledge concerning
20 the events, that is the forcible recruitment of civilians in the Central African Republic
21 to enrol them in the Banyamulengue group as testified to by your husband, is that
22 something that is true?

23 A. It is the truth. It is possible to recruit them and give them uniforms. I cannot
24 identify them.

25 PRESIDING JUDGE STEINER: Ms Kneuer.

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1 MS KNEUER: Thank you, Madam President. I'm concerned about the approach
2 that Defence counsel is taking and I'm specifically referring to page 13, lines 17 to 19,
3 and I quote, "Madam Witness, I'm going to read out to you an excerpt of the
4 testimony of your husband, (Redacted), before this Court on the same events that you
5 have talked about."

6 The concern is threefold. The first one is that the Prosecution's understanding of
7 your Honour's ruling was that it is permitted for the parties and participants to refer
8 to transcripts, but without revealing the identity of the respective witnesses. The
9 second concern is, since the witness to which Maître Liriss is referring is the husband
10 of this witness, it may put unnecessary pressure on this witness. And the third
11 concern is that, if any of these witnesses would be recalled, their testimony including
12 their identity would already be exposed to each other, to the witnesses, which may
13 also not be helpful. Thank you, Madam President.

14 PRESIDING JUDGE STEINER: Ms Kneuer, we understand the Prosecution's
15 concern. The only point is that we are talking about witnesses that belong to the
16 same family. It's a very, very special situation. We would not allow Defence to
17 make reference to transcripts or statements of one witness to another one in normal
18 circumstances, but in this case, as we said in the -- as the Prosecution said in the
19 decision related to the familiarisation process, it would be artificial to pretend that
20 they don't know that each other is giving testimony before this Court.
21 In relation to the pressure on the witness, I must confess that I'm not really happy
22 with the approach that testing the credibility of one witness with the statement of
23 another witness belonging both to the same family. As a matter of fact the Defence
24 will have difficulty in showing why the statement of this witness should be more
25 credible than the previous one in this exercise of testing who said what, but I will

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1 allow the Defence to continue, bearing in mind that the conclusions taken by the
2 Defence are not necessarily the conclusions that will be taken by the Chamber. So
3 for the Defence to try to be more objective and without putting unnecessary pressure
4 on the witness in relation to what his husband -- or her husband said or hasn't said.
5 You can proceed, Mr Liriss.

6 MR LIRISS: (Interpretation) Thank you, your Honour. The position of the
7 Defence was to compare the two versions, which indeed seem to be identical, that is
8 regarding the issue of enrolment. We have to understand that there are at least two
9 witnesses who confirm that in the Central African Republic there was forcible
10 recruitment and this is important for the Chamber. The two witnesses are saying the
11 same thing.

12 PRESIDING JUDGE STEINER: From the statement of both witnesses we are talking
13 about recruitment. Where is the reference that this recruitment was forced?

14 MR LIRISS: (Interpretation) I'm going to read it to you, your Honour. It is
15 CAR-OTP-0034-1020_R02 and in English -- in English the reference is 0028-0198.
16 That's it.

17 Q. Madam Witness, this is the question that the investigator asked you about what
18 we have just talked about: "I'm lost once again. Yesterday you said that the
19 Banyamulengue wanted to cut your head off and now you are telling me that they
20 wanted to give guns to the men to fight with them. Can you explain that to me?"
21 And this was your answer: "The first time that they came, it was said that they
22 wanted to enlist all men, but after the fighting in Damara they decided to cut our
23 heads off. Then the first place where they came they started looking for the men.
24 Even my brothers had run away and spent the night amongst the mango trees so as to
25 escape the Banyamulengue. They wanted to enlist the men by force and that is why

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1 the men fled to escape from them."

2 Do you confirm that statement, Madam Witness?

3 A. I think that is what I said before. That is what I said regarding the fact that
4 they were cutting off people's heads. I was talking about the first time they arrived
5 when they wanted to recruit people. It was later that I talked about cutting off
6 people's heads. If you have any more questions, please ask them and I will give you
7 the answers.

8 MR LIRISS: (Interpretation) Your Honour, the objective was not to put any
9 pressure on the witness, but simply to corroborate an earlier testimony.

10 PRESIDING JUDGE STEINER: Even now I am a little bit confused, because when
11 you made reference to the husband's statement it was related to the forced
12 recruitment of "les cireurs" and here it appears that she is talking about the men in
13 general, even those from her family, so recruitment by force of whom? So it is not
14 what her husband said apparently.

15 MR LIRISS: (Interpretation) What's important to the Defence is the fact that in
16 Bangui right there and then there had been forcible recruitment, be it shoe-shiners or
17 even Central African people, as the witness stated. That's what's important, as well
18 as Congolese people, and that is why I will be reading out a passage to the witness.

19 CAR-OTP-0028-0197 in French. And CAR-OTP-0034-1039 -- correction, 1019_R02.

20 Q. Witness, I would like to read out two other excerpts from the statements that
21 you gave to the investigators in Bangui, and these are my last five questions.

22 (Redacted), was (Redacted) at home in your compound on the day when the

23 Banyamulengue arrived and abused you and your family?" Your answer was: "He
24 fled before they arrived. They just found his wife and they did those things to her."

25 Question: (Redacted), I'm a bit confused about (Redacted). I would like to ask you

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1 one last question about him. Why was it (Redacted)? Why did he leave before the
2 arrival of the Banyamulengue?" And your answer: "He fled when the
3 Banyamulengue arrived, because it was said that if they found any man they would
4 give him a gun and make him fight for them." "Now, who was supposed to be
5 giving a gun to the men, the Banyamulengue, to fight against whom?", this is on the
6 next page, "So that they could fight." Witness, do you stand by this statement?
7 Could you please confirm?

8 A. You've got it all mixed up. I may have forgotten. There were the initial
9 events that I told you about. You have to get your documents in order so I can
10 understand. You're talking in a rather disorderly fashion and I don't understand.

11 Q. I'm sorry, but the question is this: Can you confirm this statement regarding
12 (Redacted)? Do you stand by this statement?

13 A. But yesterday you asked me this question and I've already given you an answer
14 saying "Yes." I realise that these are the same questions. Don't you have any other
15 questions to ask me?

16 Q. I'm very sorry, but yesterday I did not ask you this question, absolutely not.
17 Yesterday we focused on the questions about the commanders, so please focus.
18 Now, do you stand by these statements? Your Honour, this is what is -- this is what
19 we are driving at. The Defence is trying to bring out this aspect that it was Central
20 African people, be it shoe-shiners, people who were not shoe-shiners, other men, they
21 were forcibly recruited in the Central African Republic. They were forcibly recruited,
22 forced to join the Banyamulengue. This is what we are trying to show and we are
23 not trying to exert pressure on the witness. Thank you, Ma'am. I will move on to
24 another matter.

25 PRESIDING JUDGE STEINER: Maître Liriss, should we continue in closed

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1 session -- in private session?

2 MR LIRISS: (Interpretation) Yes, your Honour.

3 Q. Witness --

4 PRESIDING JUDGE STEINER: Madam Witness, you want to say something?

5 THE WITNESS: (Interpretation) That is the question I didn't understand very well.

6 That is why I responded that way. I'm trying to understand.

7 PRESIDING JUDGE STEINER: Maître Liriss, the witness wanted you, please, to

8 repeat the question, because she wants to understand the question.

9 MR LIRISS: (Interpretation) I am in your hands. Perhaps she believes it's a

10 question, but if you want me to repeat the question I will repeat it.

11 Q. Madam Witness, since you have confirmed the statement that you made to the

12 investigators regarding the forcible recruitment of men to fight against the rebels, can

13 you -- can we acknowledge that this recruitment was also of Central African people,

14 like your brother, and also Congolese people; for example, (Redacted), the shoe-shiners?

15 A. They didn't ask people what their origin was when they recruited people.

16 They recruited people without really asking questions about where they were from.

17 Q. I understand that, Ma'am, but what I would like to know is were there also

18 Central African people who were recruited, not just Congolese people? This is an

19 important point for the Defence?

20 A. I learned that they recruited only men. They would arrive and recruit only

21 men, so that included Central African people.

22 Q. Witness, these people who were recruited, these Central African people or

23 people from Zaire who were recruited, whatever their nationality, would it be

24 reasonable to acknowledge that these Congolese people, who were incorporated

25 forcibly or forced to join the Banyamulengue, spoke Lingala?

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1 A. The young people from our neighbourhood fled because of the information
2 about the forced recruitment. They did not recruit a young man from my
3 neighbourhood, no.

4 Q. My question is not that. We agree on the principle of the recruitment as was
5 the case with the previous witness who is in actual fact your husband, but my
6 question was whether Congolese people and Central African people were recruited
7 indifferently and you answered saying "Yes." Me question is now: Is it reasonable
8 to state that the shoe-shiners from the Congo, or any other Congolese person or
9 Zairian who was forcibly recruited, forced to join the Banyamulengue, might have
10 spoken Lingala; is that correct?

11 A. Well, if you don't speak their language, how can you communicate with them?

12 Q. Very well, Ma'am. Who speaks Lingala in the Central African Republic?

13 A. The shoe-shiners, people who shine shoes, and also people who come from the
14 other side of the river.

15 Q. If these shoe-shiners and other people who come from the other side of the river
16 were forcibly recruited, forced to join the Banyamulengue, what language would they
17 speak?

18 A. Amongst them, well, they only spoke their own language amongst themselves.

19 Q. Am I to understand that that was Lingala?

20 A. That's right.

21 Q. Thank you, Ma'am. And if the recruitment -- the people who were recruited, if
22 they were the Central African people who were recruited who might have been
23 forced to join the Banyamulengue, what language would they have been speaking?

24 A. I haven't heard any Central African people speak --

25 THE INTERPRETER: Inaudible.

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1 THE WITNESS: (Interpretation) -- they can't agree to work with the Banyamulengue.

2 The DRC is another country. They can't form an alliance with other people to
3 commit such things.

4 MR LIRISS: (Interpretation)

5 Q. Ma'am, I'm not asking you whether you knew any and in any event we'll be
6 talking about this matter when we talk about another rape. I just wanted to confirm
7 whether Central African people were recruited, as you have acknowledged, would
8 those people speak -- correction, what language would they have spoken?

9 A. I didn't see any Central African people amongst the Banyamulengue. I can't lie
10 about that. A Central African person can't behave in such a manner, given what the
11 Banyamulengue did to us.

12 Q. Acknowledging that that was not the case, if we take that assumption as our
13 working assumption, if there had been, what language would they have spoken?
14 What language?

15 A. If there had been some amongst them, they would have been speaking in Sango
16 and we would have heard them, but there weren't.

17 Q. Ma'am, on this issue I'm going to have to contrast what you're saying and the
18 statement -- correction, oppose what you're saying with what Witness 23 said in this
19 regard. One moment, please.

20 Your Honour, if you don't mind, just a few moments to consult my team?

21 (Defence counsel confer)

22 Ma'am, if you could please refer to the English transcript of 25 January, page 37, line
23 22, and page 38, line 21, in French. Page 38, also the transcript of 25 January, line
24 22 -- I beg your pardon, page 38, line 29, page 39 -- page 39, line 22.

25 Madam Witness, you were asked -- correction, the following question was asked of

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- 1 the witness: I said, asking about the rape, I said the following: "Witness -- "I'm
2 speaking of Witness 23, "Mr Witness, look at the sixth line, the sixth paragraph," and I
3 read out what the witness had said, namely, "They forced me to take drugs or to drink
4 substances. They forced me when I was sober to do that because they said to me,"
5 and the terms were in Sango, I asked, "Could you read out the rest, please?"
6 Answer: "This is an expression in a language that I may not be able to read properly,
7 perhaps with the wrong intonation, but since it's your own expression could you
8 please read it out for the Chamber?" That is what the witness said.
9 Bibana (phon), and then he said in Sango, Bibana, and that means the authorities of
10 the commons are you and you favoured the children going off to the rebellion to
11 favour Bozizé and that was done deliberately so that we could not ever start up again.
12 So, now during the rape of Witness 23, the people spoke to him in Sango and Witness
13 23 translated what was said to him in Sango, and that is why I am saying what
14 language is spoken -- was spoken by the Central African members of the
15 Banyamulengue who had been forcibly recruited? It would appear that they raped a
16 member of your family.
- 17 A. I can recognise the voice and the accent of a Central African person. I only
18 heard those people speaking Lingala. I can't come here and talk about the testimony
19 of another person.
- 20 Q. I believe you, you did not hear because you were not there, but what I'm asking
21 you is there were Central African people who were recruited amongst them and they
22 created -- they committed violent acts against your family and you say that you didn't
23 say, indeed -- you didn't say -- you didn't see what happened. I will now move on to
24 the next question.
- 25 Ma'am, in English this is 0028. This is statement 0028-0097 and -- correction, 0197

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1 and 0198. Ma'am, if you could, the question I'd like to ask -- I don't believe this
2 requires an interruption. I'm looking at the time. Could I begin this new series of
3 questions after the break? Thank you.

4 PRESIDING JUDGE STEINER: No problem, Maître Liriss. Madam Witness, we are
5 going to have a half-an-hour break. You can take some rest. We will be back at
6 11.30. Court officer, please turn first into open session.

7 (Open session at 10.54 a.m.)

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

9 PRESIDING JUDGE STEINER: Thank you. Madam Witness, we are having a
10 break now for you to take some rest. It's almost 11 o'clock. We will be back at 11.30
11 when the Defence will continue with your questioning. I'm asking, please, the court
12 officer to turn into closed session in order for the witness to be taken outside the
13 courtroom, and in the meantime we are going to suspend the hearing for half-an-hour
14 and we'll resume at 11.30.

15 *(Closed session at 10.55 a.m.) Reclassified as Open session

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

17 (The witness stands down)

18 THE COURT OFFICER: All rise.

19 (Recess taken at 10.56 a.m.)

20 (Upon resuming in closed session at 11.35 a.m.)

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

22 PRESIDING JUDGE STEINER: Welcome back. Let's continue with the questioning
23 of Witness 80, and I ask, please, the court officer to bring the witness in.

24 (The witness enters the courtroom)

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

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1 (Open session at 11.37 a.m.)

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

3 PRESIDING JUDGE STEINER: Thank you. Madam Witness, welcome back to the
4 courtroom.

5 THE WITNESS: (Interpretation) Good morning, your Honour.

6 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony,
7 Madam?

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

9 PRESIDING JUDGE STEINER: So I'm giving the floor to Maître Liriss. Just please
10 inform us whether you are going to continue in open session, or private session,
11 Maître.

12 MR LIRISS: (Interpretation) Your Honour, I will be comparing her statements with
13 statements of three other witnesses, so I would like to have a private session, please.

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

15 *(Private session at 11.38 a.m.) Reclassified as Open session

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

17 MR LIRISS: (Interpretation)

18 Q. Madam Witness, we are now going to move on to the most painful part of your
19 story, but I will not ask you questions that can embarrass you. I'll do my best not to
20 do so. We're simply going to try and check your testimony in comparison with other
21 members of your family who suffered from the same aggression. As far as you're
22 concerned, what was the date of these crimes?

23 A. On 17 November 2002.

24 Q. Madam Witness, (Redacted) said that it was 9 November, according to the
25 French transcript of 24 January. French transcript of 24 January 2011, page 16, lines

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1 24 and 25, he started off by saying it was 8 November, then he admitted he had made
2 a mistake about the date and then he said it was 9 November, French transcript of
3 25 January 2011, page 36, the edited transcription -- transcript, and lastly he said it
4 was indeed on Friday, 9 November, the French transcript of 25 January, page 36, lines
5 19 to 26.

6 (Redacted) did not give any date. She said it was a Sunday, transcript of 5 January, lines
7 14 to 16. In English, transcript of 24 January 2 -- in English it's page 16, line 1. In
8 the English transcript of 2 February 2011, page 14, line 13, she claims it was 7 October.
9 My question is as follows: Do you maintain your date of 17 November?

10 A. You know, Maître, this happened a long time ago. These events occurred in
11 2002 and we are in 2011. I can't remember the exact date. As far as I know - as far
12 as I know - it was 17 November.

13 Q. Okay, but your testimony was in 2008. I can accept the fact that you may have
14 made a mistake. Could you please tell us the time at which they arrived?

15 A. They came to our place one morning.

16 Q. Could you say more or less what time? Did they -- at what time roughly did
17 they get there, approximately?

18 A. It was around 4/5 in the morning. That's when they turned up.

19 Q. Now, what I'm -- I didn't ask my question correctly. I was asking at what time
20 the rapes occurred.

21 A. It was during the morning. We were still indoors.

22 Q. (Redacted) said it was at 10 in the morning. (Redacted) said it was at 6. And
23 the English transcript in which (Redacted) said that was 21 January 2011, page 34,
24 lines 16 and 17. For (Redacted), 28 January 2011, page 29, lines 18 to 21. (Redacted),
25 English version, on 2 February 2011, page 14, lines 13 and 14. Therefore, you're

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1 saying 4 in the morning; (Redacted) says 10 a.m.; (Redacted) says 6; and (Redacted)
2 agrees with you, 4 in the morning.

3 Do you continue to say that the time you originally gave was correct; i.e., 4 in the
4 morning?

5 A. Yes. I'm talking about the date on which that occurred. I maintain the date.
6 Q. I'm talking about the time, Madam Witness. You might be wrong about the
7 date, but what about the time of the rape in comparison with the times given by your
8 children and your husband?

9 A. They came around 4 or 5 in the morning. That's what I can tell you.

10 Q. All right, Madam Witness. The crimes started at what time? Did they begin
11 immediately, or later?

12 A. I mean it was difficult to know what time this happened. I mean, the situation
13 was so traumatic. We couldn't really keep in check what time it was. We didn't
14 know this would end up in this way so even if we can't remember the right time, it's
15 not our fault. The investigators and justice carried out investigations about what
16 happened and we can't tell you what precise time this occurred.

17 Q. I'm not talking about the time any more, Madam Witness.

18 JUDGE ALUOCH: Excuse me. I'm sorry to interrupt you. I just want to find out
19 from the witness all these members of the family you have mentioned, were all of you
20 in the same house or were you in different houses in the same compound, so that you
21 can only talk about the time they reached your house? Were you all in the same
22 house, or different houses? Sorry, did you understand my question, Madam
23 Witness? Shall I ask you again?

24 THE WITNESS: (Interpretation) You asked me that question yesterday, and I told
25 you that in our compound there are (Redacted). (Redacted) was living in her house

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1 and we were in our own house. That's what I said yesterday.

2 JUDGE ALUOCH: I only wanted to find out, because the lawyer is asking you
3 about -- Mr Liriss is asking you about what time did they reach your house, what
4 time did they, and I was assuming that you can only talk about the time they reached
5 your house and not the other houses. That's all I was trying to clarify.

6 THE WITNESS: (Interpretation) I told you they got there around 4 or 5 in the
7 morning. That's what I said.

8 JUDGE ALUOCH: Thank you.

9 MR LIRISS: (Interpretation)

10 Q. Madam Witness, I'll stop annoying you about what time this happened, but
11 when I read your statement made yesterday, the transcript, on page 8, line 5 -- lines 5
12 to 8, you say, at line 5, "Moved into the district in the morning by different groups.
13 Some went to the neighbours, some went to (Redacted). Three stayed and raped me."
14 My question is as follows: Did this crime occur at the same time, or did they rape
15 one victim after another? Let me specify my question. As you've just told the
16 Judge, everybody was in their home. The aggressors came into every home.
17 Would it be exact to say that the crime occurred at the same time, concomitantly.

18 A. It was the same day they committed their crimes. As I said, three of them came
19 into my home and four headed towards (Redacted) home. They also chased (Redacted),
20 who was trying to run away. They chased her to rape her, and (Redacted) too. It's
21 only when we came out that they showed us where they had been raped.

22 Q. Madam Witness, you stated yesterday that you had seen with your own eyes,
23 you had seen your husband's rape as well as the rape of your two children. Please
24 refer to the transcript, yesterday's testimony, page 14. How did you know that your
25 husband, your family, had been raped by the Banyamulengue?" You answered,

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1 "I know. I cannot lie. I know." Prosecutor: "Thank you. Madam Witness, did
2 you see with your own eyes?" Answer, page 15, first line, "Yes, I saw that with my
3 own eyes."

4 So my question is, do you confirm that statement?

5 A. But if you are the same family and such facts occur, you can talk about them
6 with one another. What I said is what I know.

7 Q. Madam Witness, there's a difference between seeing with your own eyes and
8 having information subsequently, information imparted by the victims. So my
9 question is, did you see these rapes, or were they -- were you told about them?

10 A. I can't -- I cannot say because I had problems myself. But I heard about what
11 happened.

12 Q. Thank you, Madam Witness. So you said you had not seen this, and I'd like to
13 take note of that. Now let me ask you the following question: Who was raped?
14 This is what you stated yesterday, on page 12 of yesterday's transcript, edited version
15 in English, real-time transcript, yesterday's version, page 11, lines 18 and 19. There
16 you are. You stated, line 3, "My children too. If I give their names, you will know.
17 * They slept with (Redacted) and (Redacted). They followed her and deflowered her.
18 She was 12 years old. (Redacted) too was raped, as well as (Redacted)... (Redacted)."
19 Do you confirm this statement?

20 A. Yes, I do.

21 Q. You told the Prosecutor -- or, sorry, the Prosecutor's investigators, what follows:
22 "At that point in time (Redacted) was not with us but she was pregnant. She was
23 living at her cousin's. (Redacted) was in (Redacted). Therefore (Redacted) was not with
24 you." Can you explain to us why in your statement you now include (Redacted)?

25 A. I'm her mother and if something were to happen to her, she can talk to me about

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1 it.

2 Q. Madam Witness, (Redacted) was not raped in your compound; is that true?

3 THE INTERPRETER: The interpreter did not hear the witness's answer.

4 A. (Redacted) was chased and she was raped. She told me that they chased her
5 and raped her. She was pregnant and she asked herself whether there wouldn't be
6 complications for the birth of her child. That's what she told me.

7 MR LIRISS: (Interpretation)

8 Q. Madam Witness, I asked a precise question: Was (Redacted) living in your
9 place when the facts occurred?

10 A. I've told you that she was staying at her uncle's, but she came and told me that
11 they had chased her and raped her. What else do you want me to say?

12 Q. Therefore, it would be correct to say that you did not see (Redacted) rape either?

13 A. I did not see it, but she told me about it.

14 Q. Very well, Madam Witness, I am satisfied with your answers. You did not
15 witness the rapes of (Redacted), or even that of your husband. I will
16 compare that testimony with the statements that you gave in 2010, I believe. Do
17 you remember filling a form applying to the Chamber to accept you as a victim? If
18 you no longer remember, and with the leave of the Presiding Judge, the court officer
19 could present that document to you.

20 Court officer, that document is (Redacted) of 7 September 2010. Correction of
21 the reference, the (Redacted) is (Redacted). It is not in the transcript. It is the
22 application for participation form as a victim. I will give you the reference. It is
23 document -- very well.

24 THE COURT OFFICER: Document reference ICC-01/05-01/08-954-Conf-Anx-373,
25 second redacted version, is available on your screens.

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1 MR LIRISS: (Interpretation)

2 Q. Witness, do you remember filling out this document, either yourself or with the
3 assistance of someone else, and which document you signed?

4 A. Yes, I remember I filled out the document myself.

5 MR LIRISS: (Interpretation) Can the court officer please call up page 9 on the
6 screens?

7 Q. Madam Witness, please refer to section D. You are asked to describe the
8 crimes and you say that, "The Banyamulengues raped me in my family home in front
9 of my daughters, who were also raped." A short while ago, you told us that no one
10 witnessed your rape. Can you explain this to us?

11 PRESIDING JUDGE STEINER: Maître Liriss, maybe there is some problem on
12 interpretation, but it appears that in answering your question - your previous
13 question - she said that she didn't see the rape of her daughters, not otherwise.

14 MR LIRISS: (Interpretation) You are absolutely correct, your Honour. I skipped a
15 question. I am going to read out her statement to the investigators. In fact, it
16 is -- there is no need to look for the statement. It is in the transcript of yesterday.
17 She states that she was raped in front of the (Redacted), that her husband was driven
18 out and she was raped in front of the (Redacted), that is in their presence, and the (Redacted)
19 were three or four years old at the time. I will give you the reference.

20 Q. Madam Witness, transcript of yesterday, page 32, line 2, real-time. I will give
21 you the English version. The French edited version -- we have a minor problem and
22 I will try to sort it out.

23 (Defence counsel confer)

24 PRESIDING JUDGE STEINER: Maître Liriss. I was maybe trying to help you. In
25 her statement - not in the transcript - in the statement CAR-OTP-0028-0196 in the

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1 English version there is some reference to the question you have just put to the
2 witness. Have you found it in the French version?

3 MR LIRISS: (Interpretation) In any case, your Honour, we can refer to page 32 of
4 the French transcript of yesterday, lines 5 to 7. In answer to one of my questions, the
5 witness stated that her daughters seeing what happened, fled and that she remained
6 alone with the (Redacted) and the little boy who subsequently died. I'm going to
7 give you the reference for the English transcript later.

8 PRESIDING JUDGE STEINER: Ms Kneuer, please.

9 MS KNEUER: If I may, I would like to assist with the reference. In the English
10 unedited version, it's page 38 and it starts at line 3, "I wanted to ask you what was the
11 age of these --" sorry, now I'm wrong. Sorry, Madam President. It is page 38 but
12 it's line 1 and there it reads, "That you had been raped in the presence of the (Redacted)
13 and the baby who had been ripped out of your arms and thrown to the floor." That
14 is the reference to the (Redacted) in the English version.

15 PRESIDING JUDGE STEINER: You can proceed, Maître Liriss.

16 MR LIRISS: (Interpretation) Since she has the document, I would like her to read
17 the answer to the end. Madam Kneuer, you have assisted us. Please, let's go to the
18 end.

19 MS KNEUER: Madam President, with your leave, to be complete I will start on page
20 37, line 25 and it reads: Question: "Thank you, Madam Witness. You stated
21 also -- and the reference to that is CAR-0034-1070, that you had been raped in the
22 presence of the (Redacted) and the baby who had been ripped out of your arms and
23 thrown to the floor. I wanted to ask you what was the age of these children who
24 were with you at that time of this rape." Answer: "They were very young."
25 Answer: "My children who were older saw what the Banyamulengue did to me.

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1 They left but the youngest children stayed next to me."

2 MR LIRISS: (Interpretation) That is correct.

3 Q. Madam Witness, which of the children were with you while you were being
4 raped?

5 A. I have said that they were still very young.

6 Q. Can you tell us their names, please?

7 A. There was (Redacted) and (Redacted) as well as the baby who was
8 thrown to the ground. (Redacted) was also present. These were all children.

9 Q. Your daughters were not present, is that so?

10 A. But I've told you, after seeing the atrocities being perpetrated, my elder
11 daughters left. Everything happened everywhere. It is only later that we talked
12 about it. (Redacted), and the others. As if our house had been targeted.

13 Q. Madam Witness, I simply wanted you to confirm that while you were being
14 raped your daughters were not present, there were only the children (Redacted),
15 I believe. Please confirm that.

16 A. Ever since yesterday, I have been telling you the same thing. What else do you
17 want me to tell you?

18 Q. Yesterday, Madam Witness, we did not discuss this matter in those terms.

19 Please simply answer the following question: Your daughters were being subjected
20 to the same atrocities in their houses. They were therefore not present while you
21 were being subjected to the same atrocities; is that correct?

22 A. We were raped together. I am telling you the truth.

23 Q. I know that you are telling the truth. Maybe I am the one who is not phrasing
24 my questions correctly. Madam Witness, my question is simple. Your daughters
25 were also raped, as you have said, together. Each was raped at a specific location.

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1 This means that they were not present in the sitting room while you were raped; is
2 that correct?

3 A. That is correct, Counsel.

4 Q. Thank you, Witness. Thank you, Madam President. I'll come back to page 9
5 of the document that was shown to you; that is section C. In that document you say
6 that the Banyamulengue raped you in front of your daughters. My question is as
7 follows: Why this contradiction, or better still, what or which version should the
8 Chamber retain as the truth?

9 A. There is no contradiction in what I have said. Maybe you did not correctly
10 read what was stated.

11 Q. Let us re-read it together, "The Banyamulengues raped me in my family home
12 in front of my daughters who were also raped." And I would like to emphasise "in
13 front of my daughters." So what are we to understand? Were you raped in front of
14 your daughters, or not? And in that case, why the contradiction?

15 A. I have told you that the smallest ones were by me but the eldest ones left.

16 Q. The Chamber will make its determination. Madam Witness, based on what
17 you heard, this question is now moot because you did not actually witness any rape,
18 but based on what you heard, was (Redacted)* present; that is, your son-in-law? I'm
19 sorry, I am mistaken. I was referring to (Redacted).

20 A. I have told you that when they came in for the first time, the young people fled.
21 Even my brothers fled, and everything happened in his absence. That is what I told
22 you yesterday.

23 Q. (Redacted) claims that her -- or rather that her husband was present and that he
24 was holding the baby.

25 A. But (Redacted) was in her own house and I was in my own house. That is what I

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1 told you, isn't that correct?

2 Q. I don't want to confront you with the testimony of a different witness, but you
3 are telling us that (Redacted) was not present. In that case, since (Redacted) was not
4 present and yet when it comes to the language difficulties, you said that it was (Redacted)
5 who was interpreting for you. How was it possible for you to understand that they
6 were speaking Lingala?

7 A. But he fled for one day and returned home. I did not say he fled for good.
8 But he finally returned.

9 Q. On the day of the rape, at the time of the rape, you have said that it was (Redacted)
10 who was translating for you. We have a member of our family on the other side
11 who was translating for us. I will read out that excerpt for you.

12 A. I said that after the atrocities, he heard about what had been done to us, but
13 since he also spoke their language, he did not want them to continue with those
14 atrocities.

15 Q. My question to you, Witness, is, at the time of the rape, when they came in, who
16 translated to you what the Banyamulengues were saying in Lingala?

17 A. But who could have interpreted for me if it were not (Redacted), because he
18 spoke with them.

19 Q. Madam Witness, he was no longer there. He was not there during the rape.
20 He returned later, as you have said. But during the rape, who was translating to you
21 what the attackers were saying in Lingala?

22 A. What do you want me to tell you, Counsel? I told you that after he fled, he
23 returned. He heard about what they had done to us and then he started talking with
24 them. I did not say that he was present on the day of our rape, but he heard that the
25 Banyamulengue had raped his in-laws, and that is how he started speaking to them in

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1 their language.

2 Q. I'm going to read a statement that you made about this. CAR-OTP-0034-1091.

3 I'm sorry, it is 10191.

4 "Mr Liriss: How did you understand that it was Lingala? Answer: A member of
5 our family, the husband of (Redacted), is Congolese and he speaks Lingala so he
6 explained things to us." The question that I'm asking you: Do you confirm that?

7 A. I am completely lost. Which relative?

8 PRESIDING JUDGE STEINER: Sorry, could you please confirm the number of the
9 page.

10 MR LIRISS: (Interpretation) In French it is CAR-OTP-0034-0990-02, and --

11 PRESIDING JUDGE STEINER: Thank you.

12 THE INTERPRETER: Mr Liriss, inaudible, 91, overlapping speakers.

13 MR LIRISS: (Interpretation)

14 Q. Ma'am, your statement before the investigators, I make reference to the
15 statement that you gave to the investigators. "Which language did the

16 Banyamulengue use to communicate in?" "They spoke Lingala. They were from

17 Zaire." "Do you understand Lingala?" "No." "How were you able to understand

18 what they were saying?" "They said things like, 'If you don't behave properly, I will

19 sleep with you 50 times nonstop'.

20 So you were able to understand them." Question: "Do you understand -- do you
21 remember the words that they used?" Answer: "We have a member of our family;

22 that is to say (Redacted), who is from the other side, who listened to what they were
23 saying and explained to us." "What is the name of this family member?" "Now he

24 has crossed the river." Question: "Which river?" Answer: "He crossed the

25 Zongo." Later on: "What is the name of (Redacted)?" Answer: (Redacted).

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1 "So you are saying that (Redacted), on the day of the rape, had already fled and that
2 he came back later perhaps." So my question is: How did you understand that it
3 was Lingala because --

4 A. But we have heard Lingala because there are some people in the neighbourhood
5 who spoke Lingala, so if someone speaks Lingala, we are able to know that, to
6 recognise that it is that language that they are speaking.

7 Q. So, Ma'am, is it correct to say that you thought it was Lingala, or were you told
8 later that it was Lingala?

9 A. What I'm saying is that I know -- well, I speak the Sango language. If they
10 spoke the Lingala language, I would be able to know that because the Lingala
11 language is the one that they use to communicate.

12 Q. But, Ma'am, you don't speak Lingala. How can you say that that language is
13 Lingala? It's not Swahili or Kikongo. I'm giving two or three examples of
14 languages from our country. How were you able to identify that it was that
15 language, that it was Lingala, unless someone told you that?

16 PRESIDING JUDGE STEINER: Ms Kneuer.

17 MS KNEUER: Madam President, Defence counsel is arguing with the witness.

18 MR LIRISS: (Interpretation) I shall rephrase my question, if you will.

19 PRESIDING JUDGE STEINER: I would appreciate Maître Liriss does not make
20 comments about the witness. This is up to the Chamber to decide.

21 MR LIRISS: (Interpretation) Thank you, Ma'am.

22 Q. Ma'am, the Chamber has just pointed something out to me and I am heeding
23 their request. I will ask you a simple question now. In the given -- if three
24 Congolese languages were being spoken that you didn't know, do you have some
25 way of identifying Lingala?

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1 A. But on the other side, what language do they speak from there 'til Kinshasa?
2 What language do they speak, all those people from Zaire, what language do they
3 speak?

4 Q. Could you please give me the two or three words that you were able to make
5 out in Lingala?

6 PRESIDING JUDGE STEINER: Ms Kneuer.

7 MS KNEUER: Madam President, I believe that this question is unfair to the witness.
8 The witness never claimed to speak Lingala, nor did she claim that she could recall
9 what she heard in 2002 or 2003. The only thing that she stated is that she could
10 recognise the language. So I think it's unfair to her to ask her to repeat words or
11 phrases from a language she does not speak.

12 PRESIDING JUDGE STEINER: Maître Liriss.

13 MR LIRISS: (Interpretation) The witness is telling us that she was assaulted by
14 people who spoke Lingala. She says that she was able to recognise that it was
15 Lingala because (Redacted) had translated for them. But (Redacted) was not there, according
16 to her own statement. My question is: How was she able to identify Lingala as the
17 language being spoken? There must have been something, unless she had been told
18 later that it was Lingala. This is why I ask the three question: Did you learn later
19 that it was Lingala being spoken, or were you able to identify or make out one or two
20 words that made you think that it was Lingala? I don't see what's unfair here.

21 PRESIDING JUDGE STEINER: You didn't ask whether she was able to identify one
22 or two words. You asked her to repeat words or phrases from the language. So
23 maybe if you rephrase your question.

24 MR LIRISS: (Interpretation) Thank you, ma'am.

25 Q. Madam Witness, I shall rephrase my question. Were you able to identify one

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1 or two words that led you to believe that it was the -- that it was Lingala?

2 A. But when you speak Sango, everyone knows that you're speaking Sango, and
3 the same thing holds true for French. What do you want me to add?

4 Q. Ma'am, you stated that you were told that if you reacted, if you resisted, they
5 would rape you 50 times. How were you able to understand that?

6 A. Well, if I didn't know, I wouldn't have said that. It's because I know that.

7 They made a gesture and then I knew what they were talking about, 50 times. Fifty
8 times, are you going to put up a fight? Do you think -- they were in the habit of
9 speaking French. The few words that they used in French, I was able to understand
10 because of those words, "50 times."

11 Q. Ma'am, I shall put the thesis of the Defence to you and you can tell me what you
12 think of it. In the eyes of the Defence", you no doubt were raped by savage men, by
13 soldiers who wore uniforms, the same ones as those worn by members of the Central
14 African Republic Army and the Banyamulengue. In the eyes of the Defence, the
15 only way for you to say that it was the Banyamulengue was because of the language.
16 But you did not hear Lingala being spoken. What would you say in response to that?
17 In the eyes of the Defence, you are only making a deduction. What is your opinion
18 on that statement that I am putting to you?

19 PRESIDING JUDGE STEINER: Ms Kneuer.

20 MS KNEUER: Madam President, I think it's a multi-layered question and it's very
21 difficult for the witness to understand to what exactly she is supposed to respond.

22 PRESIDING JUDGE STEINER: Maître Zarambaud.

23 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. I think that at line
24 18 there is an expression that was omitted. She said that -- that the words "cinquante
25 coups" were said in French and that is how she was able to understand; "Cinquante

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- 1 coups" or, in other words, 50 times.
- 2 MR LIRISS: (Interpretation) Your Honour, I beg your pardon.
- 3 PRESIDING JUDGE STEINER: (Overlapping microphones) ... to know which kind
- 4 of objection you are going to put, and I can only say that the interpreters will double
- 5 check with the record and provide for any correction of the transcript, if need be.
- 6 In relation to the objection, or the observation, made by the Prosecution, maybe,
- 7 Mr Liriss, on the benefit of the Defence, if you could split your questions in short,
- 8 open-ended questions, it would be easier for the witness to understand your
- 9 questions and to give you the answer you want.
- 10 MR LIRISS: (Interpretation) Thank you, your Honour.
- 11 Q. Madam Witness, you stated to the investigators that you had learned that the
- 12 Banyamulengue were on their way; is that not so? I shall start my question again.
- 13 You stated to the investigators that you had learned, like everyone else, that the
- 14 Banyamulengue were about to arrive, they were on their way; is that correct?
- 15 PRESIDING JUDGE STEINER: Madam, have you received the interpretation?
- 16 THE WITNESS: (Interpretation) Yes.
- 17 PRESIDING JUDGE STEINER: Did you understand the question put by counsel?
- 18 THE WITNESS: (Interpretation) I heard, but there are several questions and this
- 19 disturbs me.
- 20 PRESIDING JUDGE STEINER: Maître Liriss, could you please be so patient and
- 21 rephrase your question again.
- 22 MR LIRISS: (Interpretation) Yes, your Honour.
- 23 Q. Witness, people said during the events that the Banyamulengue were coming to
- 24 the assistance of President Patassé; is that not so?
- 25 A. This is what we heard people say.

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1 Q. And then you were told that the Banyamulengue were wicked people; is that
2 not so?

3 A. Yes.

4 Q. And when -- when you were told that they came from the -- you were told that
5 they came from the other side of the river; is that not so?

6 A. That's right.

7 Q. And to the best of your knowledge, the other -- on the other side of the river
8 people speak Lingala; is that correct?

9 A. But the people from the other side of the river, all the way to Kinshasa, it is
10 indeed their language.

11 Q. Thank you, Ma'am. In that case, so you see some wicked people assault you
12 and you have been told that they were the Banyamulengue. So the language that
13 they spoke was Lingala, is that -- you've concluded that the language that they spoke
14 was Lingala; is that correct? I shall start again. You are assaulted by people who
15 speak a language that you do not know. You identify them as the wicked people
16 who were expected, the Banyamulengue. The language in which they speak could
17 only have been Lingala; is that correct?

18 A. But how many times are you going to ask me this question? This must be the
19 tenth time you've asked me this question.

20 Q. Yes, I've asked it because I want you to understand very well what I'm driving
21 at and explain -- I'm explaining the argument of the Defence so that you can give your
22 opinion. The Defence's argument is that it was by deduction that you decided that
23 they were the Banyamulengue. What do you think of that?

24 A. But I know it was them. It was the Banyamulengue.

25 Q. I don't know whether you've understood my question. We are saying that you

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1 are saying that it was the Banyamulengue and you say this by way of a mere

2 deduction without any other proof. Have you understood me this time, Ma'am?

3 A. But -- well, that's their name. That's the name of other people in our group.

4 Q. All right, one last question on this matter. Do you agree that (Redacted) was not

5 there? I'm repeating myself, I realise that, but this is important. Do you agree with

6 me that (Redacted) was not present; is that not correct?

7 PRESIDING JUDGE STEINER: Ms Kneuer.

8 MS KNEUER: Madam President, I'm sorry to interrupt again, but it's a very open

9 question. It does not relate to any time-frame, to any location. How is the witness

10 supposed to answer that? Defence counsel is keeping confusing the witness and

11 therefore harassing the witness.

12 PRESIDING JUDGE STEINER: Maître Liriss, when you ask whether this person was

13 there, please be more explicit, there, where and when.

14 MR LIRISS: (Interpretation) You are correct, Ma'am.

15 Q. I forgot to say that do you agree that (Redacted) was not present at the time of

16 the assault?

17 PRESIDING JUDGE STEINER: Madam Witness, have you understood the question

18 put by the Defence?

19 THE WITNESS: (Interpretation) Yes.

20 MR LIRISS: (Interpretation) Agreed, Ma'am.

21 PRESIDING JUDGE STEINER: Would you please answer to the question.

22 THE WITNESS: (Interpretation) Well, it's the same question that's been asked

23 many times. It must be the tenth time. How many times am I going to be asked

24 this question today?

25 PRESIDING JUDGE STEINER: Madam Witness, don't feel upset about that.

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1 Sometimes the Defence, or even the Prosecutor, they need to ask more than once the
2 same question in order to be sure that you understood the question and that they
3 understood the answer. Don't take offence for that. The question put by the
4 Defence is simple and it would be advisable that you answer to that question,
5 Madam.

6 Maître Liriss, could you please repeat the question.

7 MR LIRISS: (Interpretation)

8 Q. Witness, please, are we in agreement that during your assault (Redacted) was
9 not present in the compound?

10 A. I said that when he fled, but he was still present and it was because we learned
11 that they tried to enrol him and so he fled, but he didn't leave for good. He came
12 back.

13 Q. In relation to the assault, when did he come back please?

14 A. I don't remember the time.

15 Q. If I understand correctly, he left before the assault and he came back after the
16 assault; is that correct?

17 A. That's right.

18 Q. In that case, Witness, why did you tell the Prosecutor that he was the one who
19 explained to you the content of the language that was being spoken by the assailants
20 when he was not there?

21 A. I told you that he went away and he came back the same day. He did not
22 spend the night outside. He was with us and he was the one who spoke to them. I
23 didn't say that he left and spent the night somewhere else.

24 MR LIRISS: (Interpretation) We can stop at this particular juncture on this matter.

25 PRESIDING JUDGE STEINER: Maître, are you in a position to make an estimation

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1 on how long will still be needed by the Defence to conclude its questioning?

2 MR LIRISS: (Interpretation) May I consult with the other members of my team,

3 Ma'am? A very short consultation with the other members of the team? Thank you.

4 Your Honour, after verifying with the other members of the Defence team, we believe
5 that we cannot finish today.

6 PRESIDING JUDGE STEINER: Maître Liriss, today we don't have a hearing in the
7 afternoon in any case.

8 MR LIRISS: (Interpretation) Ma'am, that's not a problem. I think we'll need all of
9 the day tomorrow.

10 PRESIDING JUDGE STEINER: Thank you very much.

11 Madam Witness, thank you very much for coming to give your testimony this
12 morning. We have to adjourn now. This afternoon we are not having a session
13 since the Judges have another important engagement, so we will continue tomorrow,
14 starting at 9.30 in the morning. We hope you take some time for yourself, that you
15 can take some rest and that you come tomorrow morning ready to continue with your
16 testimony. Thank you very much.

17 I would like to thank the Prosecution team, the legal representatives of victims, the
18 Defence team, Mr Jean-Pierre Bemba Gombo, our interpreters and court reporters.
19 And we are turning into closed session -- I'm sorry, court officer, are we still in private
20 session? Could you please turn into open.

21 (Open session at 1.01 p.m.)

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

23 PRESIDING JUDGE STEINER: Thank you very much. We are going then to
24 adjourn this session. This afternoon we don't have a session. We will resume
25 tomorrow morning at 9.30, and I'm just asking now the court officer to turn into

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1 closed session in order for the witness to be taken outside the courtroom. And in the
2 meantime, we are adjourning, and resuming tomorrow at 9.30 in the morning.

3 Court officer, please.

4 *(Closed session at 1.02 p.m.) Reclassified as Open session

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

6 (The witness stands down)

7 THE COURT OFFICER: All rise.

8 (The hearing ends at 1.03 p.m.)

9 CORRECTIONS REPORT

10 The Court Interpretation and Translation Section has made the following corrections
11 in the transcript:

12 * Page 6 line 4:

13 "some of us" is corrected by "some of them"

14 * Page 25 lines 17-18

15 "They slept with (Redacted) and -- and (Redacted). They deflowered her. She
16 was 12 years old. (Redacted) too was raped, as well at (Redacted)."

17 Is corrected by

18 "They slept with (Redacted) and (Redacted). They followed her and deflowered her.
19 She was 12 years old. (Redacted) too was raped, as well as (Redacted)... (Redacted)."

20 RECLASSIFICATION REPORT

21 Pursuant to Trial Chamber III 's Second Order, ICC-01/05-01/08-2223, dated 4 June
22 2012, and the instructions in the email dated 24 September 2013, the version of the
23 transcript with its redactions becomes Public.

24