

Trial Hearing

(Open Session)

ICC-01/05-01/08

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Situation: Central African Republic

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

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

6 Trial Hearing

7 Thursday, 20 January 2011

8 (The hearing starts in open session at 9.36 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, everyone. I would first ask please,

14 court officer, to call the case.

15 THE COURT OFFICER: Yes, Madam President. Situation in the Central African

16 Republic, in the case of the Prosecutor versus Jean-Pierre Bemba Gombo, case

17 reference ICC-01/05-01/08.

18 PRESIDING JUDGE STEINER: Thank you very much. I would like to welcome the

19 Prosecution team, the legal representatives of victims, the

20 Defence team - Maître Liriss is back - and Mr Jean-Pierre Bemba Gombo, our

21 interpreters, court reporters. And today we will continue with the questioning of

22 Witness 68, and for that purpose I please ask court officer to turn very briefly into

23 closed session, in order to allow Witness 68 to be brought into the courtroom.

24 *(Closed session at 9.38 a.m.) Reclassified into Open session

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

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

- 1 (The witness enters the courtroom)
- 2 PRESIDING JUDGE STEINER: We can turn back into open session, please.
- 3 (Open session at 9.39 a.m.)
- 4 THE COURT OFFICER: We are in open session, Madam President.
- 5 PRESIDING JUDGE STEINER: Thank you. Good morning, Madam Witness.
- 6 THE WITNESS: (Interpretation) Good morning, Madam President.
- 7 PRESIDING JUDGE STEINER: Did you manage to rest well yesterday?
- 8 THE WITNESS: (Interpretation) Yes, I did get plenty of time to rest.
- 9 PRESIDING JUDGE STEINER: Could we continue today with your questioning by
- 10 the Defence? Are you feeling comfortable with that?
- 11 THE WITNESS: (Interpretation) We can continue with the testimony. I am,
- 12 indeed, ready to answer the Defence 's questions.
- 13 PRESIDING JUDGE STEINER: Thank you very much. I want to remind you first
- 14 that you are still under protective measures and that your image and voice are being
- 15 distorted so that the public outside the courtroom cannot see you and cannot identify
- 16 you by your voice. Do you understand that?
- 17 THE WITNESS: (Interpretation) Yes, I understand.
- 18 PRESIDING JUDGE STEINER: And also, Madam Witness, I need to remind you
- 19 that you are still under oath. Do you understand that?
- 20 THE WITNESS: (Interpretation) Yes, I understand.
- 21 PRESIDING JUDGE STEINER: So we are going then to continue with your
- 22 questioning, but if at any time you feel tired, you feel distressed, or for any reason
- 23 you need a break, please just let us know and we will have a break. Is that fine with
- 24 you?
- 25 THE WITNESS: (Interpretation) Yes, that's fine.

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Thank you very much. So I will give the floor to
2 the Defence, Mr Haynes.

3 MR HAYNES: Madam President, before I commence, I think Maître Liriss wants to
4 address something.

5 PRESIDING JUDGE STEINER: Maître Liriss?

6 MR LIRISS: (Interpretation) Madam President, I would just like to give a
7 clarification about 21 and 23 that was introduced at the hearing of the day before.
8 Yesterday the Prosecutor did indeed -- was indeed right, the date of 30 November,
9 which appeared as being the date on which the MLC troops arrived in Bangui, is
10 wrong. It was corrected later on by the Prosecutor herself in her filings, 08368 filing
11 number, 08368, and the date indicated by the Prosecutor's being the date when the
12 MLC entered Bangui is indeed 30 October 2002; 30 October 2002. And we approved
13 that date.

14 Now, on that basis as regards this witness and, indeed, Witness 22, we have an alibi.
15 Since there was the date of the 27th and the other was the 26th, we could have been
16 content with that, but the questions are being raised for the business -- for the matter
17 of assessing the credibility of the witness, because on the 27th the MLC wasn't there.
18 Thank you very much.

19 PRESIDING JUDGE STEINER: Does the Prosecution have any comment to make in
20 this respect?

21 MS KNEUER: No, thank you, Madam President. I believe the evidence in the
22 record is clear.

23 PRESIDING JUDGE STEINER: Thank you. Then we will proceed with Mr Haynes.
24 Just reminding Mr Haynes about the psychological assessment and its conclusions in
25 relation to the best way for the witness to be questioned in order not to submit the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 witness to embarrassing or stressing or intrusive situations, as far as possible.

2 MR HAYNES: Your Honour, I believe that the whole scheme of this

3 cross-examination has factored that in.

4 WITNESS: CAR-OTP-PPPP-0068 (On former oath)

5 (The witness speaks Sango)

6 QUESTIONED BY MR HAYNES: (Continuing)

7 Q. Good morning, Madam Witness.

8 A. Good morning.

9 Q. The good news is I think we will finish your evidence today. I certainly will do
10 my best. Okay. Shall we begin?

11 A. Yes, we can begin.

12 Q. Good. I want to start by asking you some questions about the occasions when
13 you have heard people speaking Lingala. Do you understand?

14 A. Yes, I understand.

15 Q. How many times did you meet the Congolese ladies who sold corn?

16 A. On several occasions. They are in the habit of coming across and selling goods
17 on our side. There's not just corn but also other items such as zungu.

18 Q. And where do they sell their items?

19 A. They sell them on the Bangui markets, all the markets in Bangui, at Kilometre 5,
20 the small markets; it is their habit to sell their wares there.

21 Q. And how many ladies are we talking about?

22 A. These traders, well, all the traders in the market, well, we can't estimate that
23 number.

24 Q. And are we talking about the same ladies, or different ladies that you saw at
25 different markets?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 A. At the markets there are several people who come and sell there, so when you
2 go to the markets, of course, there are several different people involved.

3 Q. And over what period of time did you see Congolese ladies selling things at
4 markets?

5 A. Since I was a child in the city of Bangui, that's been a long time that they've been
6 selling at these markets regularly.

7 Q. And did you ever speak to any of them directly?

8 A. I don't speak their language. How could I have a conversation with them?

9 Q. So the case is that you've only ever heard their voices?

10 A. Yes.

11 Q. Was that as you were passing by a market stall?

12 A. Not just going through the market. Several people are traders and they talk
13 and I listen to them.

14 Q. So if you didn't speak to any of the ladies yourself, who told you that some
15 ladies at some markets were speaking Lingala?

16 A. I already said that there were a variety of people - some speak Sango - that there
17 are two or three of them and they're speaking in their language that you can tell.

18 Q. Did you ever hear any men speaking Lingala?

19 A. Yes. There are also men who do chores, odd jobs.

20 Q. Where?

21 A. Household jobs that they do for individual people.

22 Q. Have they ever done any for you?

23 A. No, they never worked at my place.

24 Q. I see. Now, when you were around the car with these men on 27 October, how
25 many of those men spoke to you?

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 A. I have already had the opportunity to say that the three that were opposite me
2 that were discussing something between themselves.

3 Q. And I think you've already told us that that was for a very short period of time.
4 Can you help us as to how many phrases in total were spoken?

5 A. I cannot answer that. I mean, if you want me to assess a number of sentences, I
6 just cannot say.

7 Q. How were you able to recognise from the few sentences they said that they were
8 speaking Lingala?

9 A. I speak Sango. When I speak Sango in an environment where people who
10 know that I am Central African, well, those people know that I speak Sango, and that
11 is how things happen there too.

12 Q. But if you don't speak a single word of Lingala, how do you recognise the
13 language? What are its distinctive qualities?

14 A. As I have already had the opportunity to say, I am Central African. My
15 language is Sango. If someone knows that I am Central African and that -- well, and
16 knows how I speak, then that person can draw the conclusion that I am Central
17 African.

18 Q. Well, I'll try and put the question in a different way. Is there a sound to the
19 language Lingala that you can describe to us that is unique?

20 A. Well, according to me, it's as I already said: You recognise someone, you can
21 identify people by the way in which they speak, as I've already described.

22 Q. Well, I'll put it one more way. How do you know that a few words of another
23 African language that you do not speak would not sound similar?

24 A. Any human being is in a position -- is in a position to hear and identify the
25 sound that comes from the mouth of someone else. You can identify that

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 such-and-such person is speaking.

2 Q. Or is it that, because you had heard on the radio earlier that day that soldiers
3 had arrived from the Congo, you assumed that the language you were hearing that
4 you did not understand was Lingala?

5 A. I didn't think that. This is what I experienced. I narrated what I experienced.
6 I didn't just think that.

7 Q. I want to move on now, please, to the young men that you saw who were under
8 arrest. There were some soldiers with those young men who spoke French at all
9 times; is that correct?

10 A. When I saw them, they were different and the soldiers who were next to them
11 were also different. I was at some distance from them. I wanted to leave towards
12 the main road and I saw them. I saw the soldiers who were next to them and I took
13 another road and, when I got to a certain place, I crossed with them and we had an
14 exchange. They were different. The soldiers who were next to them were also
15 different.

16 Q. Were they dressed differently, or in the same way as the soldiers you had seen
17 around the car?

18 A. I didn't see young people next to the vehicle. It was the soldiers who I crossed
19 next to the vehicle who abused me, and it was on the path on the return that I met
20 these young people next to whom there were these soldiers.

21 Q. I understand that. What I'm asking you is the soldiers you saw after you were
22 raped, were they dressed in the same way or differently to the soldiers who raped
23 you?

24 A. Yes.

25 Q. Does that mean, "Yes, they were dressed in the same way," or, "Yes, they were

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 dressed differently""?

2 A. They didn't have hats on, military hats, but they had military uniform.

3 Q. And were those the military uniforms of the Central African Army?

4 A. Yes.

5 Q. And I think the commander of the soldiers had a walkie-talkie; is that correct?

6 A. Yes.

7 Q. And was that a device where you could hear not only what he was saying, but
8 what was being said by the person on the other end of the walkie-talkie?

9 A. I didn't say that he was communicating. I said that the young people who I
10 met, it was those who told me that they were fleeing and that they had been stopped,
11 when they were stopped, and he said that it was the leader who was accompanying
12 them, he was the one who was -- who had called to see, or to say, that they had
13 arrested people. They said that they lived towards the Tiangaye sector and that's
14 how the leader said if they were inhabitants of Boy-Rabé then they were going to be
15 killed, and that's why the leader said that they had to be freed and I crossed them on
16 the path which went towards Tiangaye. They -- it was they who explained what had
17 happened. I wasn't there when the events took place. They told me that they had
18 all -- they were all stopped and they were taken to the commissioner of the 4th
19 arrondissement and it was there that the calls were made. They called for
20 instructions. Myself, I wasn't there. I wasn't at the commissariat of the 4th
21 arrondissement. I didn't meet anyone else apart from the group that I met on the
22 way.

23 Q. Did you hear the soldiers speaking?

24 A. I wasn't close to them. I just saw the group with young people.

25 Q. Well, I want you to have a look, please, at something you said when you were

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 interviewed by the OTP. It's the same EVD-T number, which I think is

2 EVD-T-OTP-0012, and it's at page 0430.

3 PRESIDING JUDGE STEINER: Level of confidentiality?

4 MR HAYNES: It remains confidential and should not be broadcast outside the court,

5 Madam President.

6 THE COURT OFFICER: The document is available on your screens. Counsel,

7 could you please repeat the page you want to be published?

8 MR HAYNES: 430.

9 THE COURT OFFICER: Thank you. There is no page ending in 430 for document
10 references EVD-T-OTP-00012.

11 MR HAYNES: Then I will give you an ERN number. It is CAR-OTP-0020.

12 THE COURT OFFICER: 04.

13 MR HAYNES: And the first page of that document is I think 0385.

14 MS KNEUER: If I may assist with the EVD-T number, it's 00013.

15 MR HAYNES: Many thanks.

16 Q. When you were interviewed in 2008, you talked about this and you said that,

17 "The chief received an answer. The answer he received was, 'Where did you take

18 these men?', and the chief replied, 'In Fou, not far from Mr Tiangaye.' And then the

19 superior said, the chief, 'If they are from Boy-Rabé then they are with the rebels but,

20 since they are not from Boy-Rabé, don't kill them. Let them go.'" Now, who is

21 Mr Tiangaye?

22 A. Maître Tiangaye is a lawyer. As the road in question goes in front of the house

23 of Maître Tiangaye, that is the reason why we refer to this road as "Maître Tiangaye's

24 road."

25 Q. Right. And did the chief of these soldiers say that he had found these men

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 near to the house of Mr Tiangaye?

2 A. I said here these young people told me that they had been arrested when they
3 were -- wanted to flee. They were stopped and they were all taken to the
4 commissariat in the 4th arrondissement, and it was there that there was a call for
5 them to be freed. They were taken to that road in order to free them.

6 Q. It's a question of where they were found. Did the chief either -- did the chief
7 say to the man he was talking to on the walkie-talkie that he had found these men
8 near to the house of Mr Tiangaye?

9 A. It was the young people who said that they lived in Maître Tiangaye's sector.
10 Maître Tiangaye lives in the Fou neighbourhood.

11 Q. Very well, but did it appear to you that the chief of this group of soldiers was
12 familiar with the neighbourhood and knew the house of Mr Tiangaye?

13 A. I said here that he accompanied them to this road which goes in front of the
14 house of Maître Tiangaye. It was there that they were left. That's what I heard.
15 And when -- well, I took another path and this path went behind the house, and when
16 I left on the road it was there that I met them and they told me what had happened.

17 Q. Very well. Now, during this period you were familiar where Bozizé's troops
18 had bases, weren't you? Where were their bases?

19 A. They were based towards the Cité and also in Boy-Rabé.

20 Q. And also at PK12, weren't they?

21 A. It was there that they were billeted.

22 Q. So that the transcript is clear, you agree that they had a base at Cité, a base at
23 Boy-Rabé and a base at PK12?

24 A. Yes.

25 Q. The people who you saw carrying goods on their heads, were they doing that

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 on the same day that you were raped?

2 A. I said that it was on the way back, the same day when I went home. When I
3 went home, having crossed the neighbourhood where I had been abused, I had to go
4 across another road which goes from the town towards PK12. You go -- you cross
5 the road in question. I saw them on the road. They were numerous. They were in
6 single file and they were going to PK12.

7 Q. And was that a group that included people in uniform and people who were
8 not in uniform?

9 A. They were wearing the same uniform as those who I had seen. They had the
10 same uniform, but they had normal shoes, civilian shoes. They didn't have hats or
11 berets.

12 Q. I don't want there to be any confusion here, Madam Witness. I've moved on to
13 another area. I'm asking you about the people who you saw carrying goods, the
14 people who had suitcases and mattresses and belongings that were carrying goods
15 towards PK12. So, bearing that in mind, was that on the same day that you were
16 raped that you first saw them?

17 A. Yes. Yes, it was on the return journey, and I also met those who were walking
18 with the belongings on their heads.

19 Q. Thank you. And I'll ask the same question again: Did they include both
20 people in military uniform and civilians?

21 A. They were all in military uniform. I didn't see anybody in civilian clothing.

22 Q. Did you see the same thing happening on any day after that?

23 A. No, I didn't see that. Where it concerns the 4th arrondissement, it was the
24 same day, and the chef de quartier prevented people from entering into the
25 neighbourhood. As such, they continued towards PK12. This happened on the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 27th.

2 Q. Thank you. So all of these people were going towards PK12 and not towards
3 the Ubangi River and the Congo; is that correct?

4 A. They were all going towards PK12.

5 Q. And just remind us, where was Bozizé's bases at that time?

6 A. I already said that they were based in the Cité and in Boy-Rabé.

7 Q. And at PK12?

8 A. Yes.

9 Q. Now, just two more questions on this topic. When was it precisely that you
10 ever saw any of Bozizé's rebel forces?

11 A. They entered and they were dividing up the neighbourhood. They were
12 criss-crossing the neighbourhood.

13 Q. So was that some time before you and your sister-in-law shut yourself in the
14 house?

15 A. Yes, it was well before, well before that. It was well before the detonations or
16 explosions were being felt.

17 Q. Okay. And at that time they were comprised of people in uniform and some
18 civilians; is that correct?

19 A. Never. They were never in military uniform. They were wearing civilian
20 clothing.

21 Q. Okay. What for you is the distinction between a soldier and a civilian in terms
22 of what you can see?

23 A. They entered as rebels, and when they criss-crossed the neighbourhood, we said
24 it was the rebels who were going through. They were in civilian clothing as they
25 went through the neighbourhood, as they criss-crossed the neighbourhood.

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 Q. Okay. But what is the defining feature of a soldier for you?

2 A. They entered and they were identified as being rebels. They were walking as a
3 group. The clothing that they were wearing had not been changed and so it was
4 clear that they were rebels.

5 Q. Right. Is a soldier somebody who wears a uniform for you?

6 A. When a person is not in military uniform, you don't know if that person is a
7 soldier or not. But when he is in uniform, you know that that person is a soldier.

8 Q. Then I just want to ask you about something you said in your interview with
9 the Prosecution. And it's the same exhibit that we were looking at before so it is
10 confidential and should not be broadcast, and the last three numbers that are relevant
11 are 400, please. Thank you.

12 I'm going to read these questions and answers out to you slowly. You were asked,
13 "Do you know if the Banyamulengue had a specific target?" And quite
14 understandably, you said, "I don't understand your question." And you were
15 asked, "Do you know if the Banyamulengue had an objective?" And you said, "No,
16 I don't know." And then you said -- "Did you see any soldiers among the
17 Banyamulengue?" And you said, "No."

18 I want to know what you meant by that, that you didn't see any soldiers amongst the
19 Banyamulengue.

20 A. I didn't take part in the fighting. It was when I fled that I ran into the soldiers.
21 When I met them and with regards to what they did to me I deduced therefrom that
22 they were Banyamulengue, but I didn't have information concerning their fighting.

23 Q. Thank you. Now, I want to return to something we talked about briefly
24 yesterday and that is the geography, and I want you please to be shown a rather
25 better plan today which is CAR-D04-0002-1001. I'm very sorry, 1081 are the last four

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 digits.

2 THE COURT OFFICER: The document is available on your screens.

3 MR HAYNES: That doesn't show up very well. I think it might be better if we used
4 a hard copy and put it on the overhead projector. Can we just enlarge it a little and
5 see if it improves? I think we'll try with a hard copy. That's a little difficult to see.

6 PRESIDING JUDGE STEINER: Mr Haynes, has this document an EVD-T number, or
7 is it a non-evidence --

8 MR HAYNES: At the moment it's non-evidence.

9 PRESIDING JUDGE STEINER: Could the court officer assign, please, a hearing
10 HNE number.

11 (Pause in proceedings)

12 PRESIDING JUDGE STEINER: Sorry, Mr Haynes. I was trying to understand the
13 acronyms here. You can proceed.

14 MR HAYNES: Not at all.

15 Q. Can you see the plan in front of you, Madam Witness?

16 A. Yes, I can see the map.

17 Q. And can you see the two suburbs of Fou and Boy-Rabé?

18 A. I can't make out the writing that is in small letters, but perhaps the capital letters,
19 but I do see Fou and Boy-Rabé and Bagapala (phon).

20 Q. Oh, I'm sorry.

21 A. And I see Miskine as well and Malimaka.

22 Q. Thank you. And if we were to go further up the route to Damara we would
23 reach PK12, wouldn't we?

24 A. Yes, that's right.

25 Q. Now, if the map could be brought down a bit so that we see the centre of Bangui,

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 can you read the words inside the circle "Présidence."

2 JUDGE ALUOCH: Sorry, we are looking for this circle that you are talking about.

3 MR HAYNES: If you look at the Docu Cam you will see the document that is on the
4 overhead projector, and just to the right to the very centre of the city there is a
5 pencil-drawn circle and it's also highlighted and you should be able to make out the
6 word "Présidence." If you cannot, I have an identical hard copy you could look at.

7 Okay. Thank you.

8 Q. Madam Witness, can you see it?

9 A. No, I can't see it.

10 Q. Okay.

11 PRESIDING JUDGE STEINER: I can't see it either. Yes, your encircled copy is not
12 the same copy that the Chamber received this morning. That's the point. This one,
13 there's no circle at all.

14 MR HAYNES: No. I copied something for myself and blew it up anticipating we
15 would use eCourt, but when I saw how the document appeared on eCourt, I thought
16 it was more helpful to use a hard copy on the overhead projector. I do apologise for
17 that. And I apologise for marking it, that was really for my own benefit, but in the
18 end it probably helps. There's another hard copy there for you which might assist.

19 PRESIDING JUDGE STEINER: So since we are in a kind of break, it's just to ask for
20 a correction in the transcript. On page 17, line 3, I asked the court officer to assign an
21 HNE number, a Hearing Non-Evidence number, and not an EVD number. You can
22 proceed, Mr Haynes.

23 MR HAYNES: Thank you, Madam President.

24 Q. You know where the presidential residence is in Bangui, do you not, Madam
25 Witness?

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 A. Yes.

2 Q. And is it very close to the centre of the town, about two blocks from the river
3 bank?

4 A. It is a little bit away.

5 Q. Away from what, the centre of town or the banks of the river?

6 A. The river is beside the centre of town, but the presidential residence is
7 somewhat further away. After ONAF *si vous venez the centre of town, you have to
8 go to ONAF and then you get to the Ministry of Transportation and then you get to
9 the fire hall. And then after that you see the residence of the Head of State
10 slightly inside of that, slightly inside.

11 Q. Thank you very much. Now, on the day of your rape, you told us you heard a
12 radio broadcast concerning fighting around the presidential residence; is that right?

13 A. I haven't understood your question.

14 Q. Well, it's probably an unnecessary question because you have already answered
15 it, but if we look at the remainder of the map Bozizé's forces had a base in PK12 and a
16 base in Boy-Rabé. In Boy-Rabé, you told us also, they had crisscrossed the area. So
17 there was a base six kilometres up the road to Damara and another base between Fou
18 and the Cité; is that right?

19 A. It was the 4th arrondissement in general, which is six kilometres from the centre
20 of the town. The 4th arrondissement is in the middle. If you come from the centre
21 of town, you first have to go to the 4th arrondissement before you move on to PK12.

22 Q. Very well. But the base of Bozizé's rebels, was that towards the town, that's the
23 base in Boy-Rabé?

24 A. It is indeed within the 4th arrondissement.

25 Q. I'll take that as a "yes." Bandoro is located between PK12 and the presidential

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 residence, would you agree with that?

2 A. Bandoro is also found within the 4th arrondissement.

3 Q. Is it in Fou?

4 A. All of that, that is the neighbourhood called Fou, but that place is also referred
5 to in that way.

6 Q. You see, madam, on 27 September, given -- sorry, I've said it again. On
7 27 October, you were raped in an area under the control of Bozizé's rebel forces,
8 weren't you?

9 A. The Bandoro neighbourhood is found towards the other side of the main road,
10 which is a tarmac road, asphalt road. This street leads to the main avenue that goes
11 towards the port. When you cross the big avenue, you get to the Miskine lycée. So
12 if you cross the large avenue, you get to the Miskine lycée and then you are in the 5th
13 arrondissement.

14 Q. How far is Bandoro from the main road?

15 A. That neighbourhood is not very far from the big avenue that leads to the airport.
16 When you go out of the Bandoro neighbourhood, you can also go out towards the big
17 road of the 4th arrondissement that goes towards the main police station. You can
18 also go down and get to the big avenue that goes to the airport. It's not very far, and
19 it is found at a place where you can go out onto the two roads.

20 Q. Again, probably my fault, madam, but what I meant was how far is Bandoro
21 from the Avenue de l'Indépendance, the main road into the centre of Bangui?

22 A. From Bandoro you can go out towards the St-François school, and beside that
23 school one finds the church called Notre Dame d'Afrique - Our Lady of Afrique - so
24 that is not far from the 4th arrondissement, which is opposite the police station from
25 the 4th arrondissement. From that roundabout, you can get to PK5, to the centre of

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 town, or towards PK12.

2 Q. Very well, Madam Witness. I'm going to leave that there and we need now to
3 deal with the exhibit.

4 Does it now acquire a different number if I ask for it to be placed into evidence?

5 PRESIDING JUDGE STEINER: Then it receives an EVD number, an EVD-T number.

6 MR HAYNES: Yes.

7 PRESIDING JUDGE STEINER: Yes, Madam Kneuer?

8 MS KNEUER: Thank you, Madam President. Since counsel marked the one map,
9 I'm asking myself if we should perhaps EVD a clear map, because otherwise the
10 marking of the counsel would become evidence.

11 PRESIDING JUDGE STEINER: You are right. So I'm informed by the court officer
12 that the clean map has been already put in Ringtail so it's just a case of assigning to
13 that clean map an EVD-T number. The map that is marked and was shown to the
14 witness will retain its HNE number.

15 THE COURT OFFICER: The document which ERN reference is CAR-D04-000281,
16 which is now available on your screens, will receive EVD reference EVD-T-D04-00007
17 and will be marked as confidential. And the map that was shown in court to the
18 witness will be registered by way of filing and will be attributed an HNE
19 number which would be HNE-5 and will be also marked as confidential.

20 MR HAYNES: Thank you very much. And the map can be removed from the
21 witness now and, if necessary, she can go back to her seat, if indeed she's changed
22 places, if that's more comfortable. Indeed, madam, it's 5-to-11. It might make more
23 sense to take a break.

24 PRESIDING JUDGE STEINER: So if you are going to introduce a new topic, maybe
25 it's better if we have our --

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Closed Session)

ICC-01/05-01/08

- 1 MR HAYNES: I am.
- 2 PRESIDING JUDGE STEINER: So we are going to suspend -- Madam Witness, we
- 3 are going to suspend this hearing for half-an-hour in order for you to take a break.
- 4 We'll be back at 11.30. Is that fine with you?
- 5 THE WITNESS: (Interpretation) Yes.
- 6 PRESIDING JUDGE STEINER: Please, I ask court officer to turn into closed session
- 7 in order for the witness to be taken out of the courtroom.
- 8 *(Closed session at 10.54 a.m.) Reclassified into Open session
- 9 THE COURT OFFICER: We are in closed session, Madam President.
- 10 (The witness stands down)
- 11 THE COURT OFFICER: All rise.
- 12 (Recess taken at 10.55 a.m.)
- 13 *(Upon resuming in closed session at 11.36 a.m.) Reclassified into Open session
- 14 THE COURT USHER: All rise. Please be seated.
- 15 PRESIDING JUDGE STEINER: Court officer, please, could you
- 16 introduce -- reintroduce the witness into the courtroom.
- 17 (The witness enters the courtroom)
- 18 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 19 (Open session at 11.38 a.m.)
- 20 THE COURT OFFICER: We are in open session, Madam President.
- 21 PRESIDING JUDGE STEINER: Thank you. Welcome back, Madam Witness.
- 22 THE WITNESS: (No interpretation)
- 23 PRESIDING JUDGE STEINER: (Overlapping speakers) Are you ready to continue
- 24 with your questioning by the Defence?
- 25 THE WITNESS: (Interpretation) Yes, thank you. Yes, I'm ready.

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

- 1 PRESIDING JUDGE STEINER: Thank you. Mr Haynes, you have the floor.
- 2 MR HAYNES: Thank you, Madam President.
- 3 Q. Madam Witness, I'm going to do my very best to finish before the lunch break.
- 4 Okay? So the sooner we get started, the sooner we'll finish. I am going to move on
- 5 to another topic, but before I do I just want to clear up the last topic we were talking
- 6 about. Bando, and I will use the French word, is a quartier of Fou, isn't it?
- 7 A. Yes, it is one of the quartiers that is located in Fou.
- 8 Q. Thank you. And at the relevant time Fou was under the control of Bozizé's
- 9 rebel forces, wasn't it?
- 10 A. I'm not sure I understood your question.
- 11 Q. Fou was occupied by Bozizé's rebel forces in late October 2002.
- 12 A. Perhaps you could repeat your question again. I didn't understand.
- 13 Q. Well, I'll try it another way. On 27 October 2002, you heard a radio report of
- 14 fighting around the presidential palace, didn't you?
- 15 A. What do you mean by fighting close to the palace? What I heard was that the
- 16 rebels were 200 metres away from the presidential residence.
- 17 Q. And that was on 27 October.
- 18 A. Yes.
- 19 Q. And those same rebels had a base in Boy-Rabé at that time, didn't they?
- 20 A. I haven't understood your question.
- 21 Q. Did Bozizé's rebels have a base at Boy-Rabé on 27 October 2002?
- 22 A. On the 27th I was shut in my house, and I do believe I said that the radio gave
- 23 us information according to which the rebels were 200 metres away from the
- 24 presidential residence. As for the other details, I don't have any information.
- 25 Q. Very well, Madam. Then we'll leave that alone. I want to move on to

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 something else, please. Did you visit a doctor immediately after you were raped?

2 A. Yes.

3 Q. When and where was that?

4 A. When there was the lull, I went to see the doctor.

5 Q. Do you know what date that was?

6 A. No, I couldn't tell you with great certainty what the date is.

7 Q. Well, just approximately, was it a few days after 27 October, or some weeks
8 after?

9 A. I must say this again. It was once there was the lull. That is when I went to
10 have biological tests performed.

11 Q. Was this the occasion when you contacted Médecins Sans Frontières, or another
12 occasion?

13 A. I had the biological tests performed, and a little later I fell sick and it was for
14 that reason that I went to see Médecins Sans Frontières.

15 Q. Thank you very much. At the time you first visited Médecins Sans Frontières,
16 were you given a certificate by them?

17 A. Yes.

18 Q. Did you keep it?

19 A. Yes, when I went to consult the doctors, they themselves had the tests
20 performed and they intended to send me on to the community hospital, and that is
21 why they produced a certificate.

22 Q. And is this in 2002, or 2003, or later?

23 A. I cannot remember the dates. All this goes back a long way.

24 Q. Of course, and if you can't remember the dates we'll leave it, but I just want to
25 be clear. Were you actually handed a certificate by a doctor at a hospital when you

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 first visited Médecins Sans Frontières?

2 A. The first tests that were done involved another doctor. I got there and when I
3 saw them they had -- they did other exams, and when I met the investigators they
4 asked me for the results of those tests. I didn't find them and that is why I went back
5 to see a doctor so as to get a copy of that, and the doctor answered me that he no
6 longer had the original.

7 Q. Thank you. So you didn't have the original and the doctor didn't have the
8 original? Is that the position?

9 A. The doctor told me that he had given the results to UNDP because UNDP had
10 instructed him to carry out those examinations, and at UNDP it was said that the
11 deceased had taken the diskettes with him. That was the information I got when I
12 tried to get hold of these documents.

13 Q. And by "the deceased," do you mean Mr Ngoungaye Wanfiyo?

14 A. It was Mr Ngoungaye.

15 Q. And the diskettes that you learned he had taken, where had he taken them from
16 and what information did they contain?

17 A. He got them from the UNDP.

18 Q. And what information did the diskettes contain?

19 A. The diskettes contained the documents concerning the medical certificate for
20 people who had been raped, so he gave that information to UNDP because their
21 donor was UNDP.

22 Q. And do I understand the position that you didn't know he had done that?

23 A. I told you that (Redacted) did this. He was the one who had the tests and the
24 examinations performed.

25 Q. Thank you. Now, I just want you to look at a document that we have looked at

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 before and help me understand it, and it's EVD-T-OTP-00129.

2 PRESIDING JUDGE STEINER: Level of confidentiality, Mr Haynes?

3 MR HAYNES: It's confidential and should not be broadcast.

4 THE COURT OFFICER: The document is available on your screens.

5 MR HAYNES:

6 Q. Madam Witness, you've looked at this before and you can confirm, can you, that
7 this is the document that you handed to the investigators who conducted your
8 interview?

9 A. Yes.

10 Q. And is that the copy document that the doctor gave to you when you went back
11 to him?

12 A. This document was handed over to me by Médecins Sans Frontières.

13 Q. And can you see that it bears the date 29 October 2004? Was that the date it
14 was given to you?

15 A. I see "2002" on the document. I didn't see "2004."

16 Q. Well, take a little time to read it to yourself. Can you read it? Do you need to
17 put your glasses on for a second?

18 A. I see "2002."

19 Q. Yes, and if you go down about four or five lines, can you see "fait a Bangui le 29
20 Octobre 2004"?

21 A. When I fell ill and they took care of me, that's when it was done.

22 Q. Okay. Now, let me see if I understand you correctly. You had lost the
23 original and the doctor didn't have a copy of the original any more, so this copy was
24 produced; is that right?

25 A. I said already that I lost the results of the first tests that were done with

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 (Redacted), but these are the results of the tests carried out by the doctors of Médecins

2 Sans Frontières. I couldn't locate the results of the exams made at (Redacted) office.

3 That's what I couldn't find.

4 Q. Well, I wonder if you can help me then why it would be that this doctor wrote a
5 letter saying that he had consulted with you almost two years after that consultation?

6 Why did that happen?

7 A. I didn't understand your question.

8 Q. Well, this doctor does talk about seeing you in November 2002, but he didn't
9 write this letter until 29 October 2004. Do you know why that was?

10 A. Here what is mentioned is "certificat de victime de viol lors des évènements du
11 mois Octobre 2002," which in English is "certificate of the victim of rape during the
12 events for the month of October 2002." That's what is written as a title to this
13 document.

14 Q. Yes, but I'm not going to labour the point. If you do go to the bottom of the
15 letter, just above the doctor's signature, you will see it's dated 29 October 2004. If
16 you don't know why that is then we will leave it, but I'm just asking if you know why
17 it is that this certificate bears a date two years after you saw the doctor?

18 A. This was a person who treated me. I went to that person. I was provided
19 with a nurse who looked after me to deal with the -- what had happened to me.
20 They wanted to take me to the community hospital and that is why they gave me this
21 paper so that I could go there, to the community hospital, and they wanted to indicate
22 in that document that such-and-such a thing had indeed happened to me.

23 Q. Okay. But just to finish with this, this is the only copy of that document you
24 ever had and it's the copy that you gave to the investigators of the Office of the
25 Prosecutor; is that correct?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 A. It is this document that I provided them with.

2 Q. Thank you. And I wonder if we could just scroll the document so that we see
3 the top of it and the "Médecins Sans Frontières" logo. And that's what it looked like,
4 because it is the document you handed over. That's very helpful, thank you.

5 A. Yes, it is that. The doctor was called (Redacted).

6 Q. Thank you. Now, can we have a look at another document, please, and this
7 document is a/0288/08 and it's page 20. It is again a confidential document. I'm
8 sorry. It's now got an EVN number which is CAR-D04-0002-1053 and the page
9 number is 1072. I am very sorry.

10 THE COURT OFFICER: The document is available on your screens, page 1072.

11 MR HAYNES:

12 Q. Now, you never had a document like that, did you? Can you see that that
13 document has a logo for Médecins Sans Frontières, which wasn't on the other
14 document, and it bears a stamp over the doctor's signature? Your document didn't
15 have either of those features, did it?

16 A. You want to speak about which document?

17 Q. I want you to have a look at that document and identify the fact that the
18 heading at the top is different and that this document has a stamp over the doctor's
19 signature. Your document didn't have that. You never had a document like that in
20 your possession, did you?

21 A. Yes, I don't see the name of the doctor. It's just written Chef de Mission,
22 MSF in RCA, in French, Bangui 29 October 2004. So MSF in CAR. I can't read it
23 well.

24 Q. Well, let me ask you a far simpler question. Other than the copy of the
25 document you gave to the Office of the Prosecutor, did you provide anybody else

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 with a copy of the document from Médecins Sans Frontières?

2 A. Yes. Please, excuse me. Provide who with it? I just gave it to the officers of
3 the Office of the Prosecutor and then I met the counsel afterwards. I went to see the
4 deceased lawyer. He explained the situation, he accepted that, and he asked me to
5 provide him with the document. I provided it to him.

6 Q. This document?

7 A. Not that one. The first document which had the name of the doctor. The
8 document was somewhat bigger. It's not this document.

9 Q. Can you help us as to how this rather different document came to be annexed to
10 your application to become a victim in these proceedings?

11 A. I can't know that. Even yesterday I was presented with a document here
12 saying that I wrote it and I know nothing about it. Yesterday I had the opportunity
13 to speak. You asked a question with regards to the document yesterday. This
14 document, how did it come? I never wrote a document with my own hands. I gave
15 my testimony orally. Other people wrote it down.

16 Q. Well, let me explain it to you. This certificate is attached to the document you
17 know nothing about, so somebody appears to have both written down your account
18 and found or manufactured another copy of this document to attach to it. Would
19 that be right?

20 A. I know nothing about that. I don't know how this document ended up here.
21 I know nothing about that.

22 Q. And just so that we're clear, because this might be important, you had nothing
23 to do with the filling in of your victim's application form; is that right?

24 PRESIDING JUDGE STEINER: This is not what she said. Rephrase your question,
25 please.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 MR HAYNES: Well, I may come back to it and allow her to see the whole document.

2 PRESIDING JUDGE STEINER: She said, "I never wrote a document with my own
3 hands. I gave my testimony orally. Other people wrote it down," so it's different
4 than saying that she said that she had nothing to do with the document. If you
5 could, please, rephrase your question.

6 MR HAYNES: Yes.

7 Q. If there is a victim's application form in your name, you did not fill it in; is that
8 correct?

9 A. I said to the Prosecutor's officials with whom I worked that I had given my
10 testimony orally. I didn't use a pen to write anything. I gave my testimony orally,
11 not with a pen, not with a pencil.

12 Q. And the testimony, to whom did you give that?

13 A. I worked with the Prosecutor's officials. I then met the lawyer. I presented a
14 summary of the situation. He asked for this document and I provided that to him.

15 Q. And did you tell anybody else about what had happened to you?

16 A. No, apart from Sayo, the Prosecutor's officials and the lawyer, these three
17 persons.

18 Q. Very well. Who is Sayo?

19 A. She is the person responsible for the NGO.

20 Q. Do you know what her current function is?

21 A. Who?

22 Q. Sayo?

23 A. She is a minister.

24 Q. A minister of the church, or a minister of government?

25 A. Minister of Social Affairs.

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 Q. In which government?

2 A. Within the current government of our country.

3 Q. And who is the current president of your country?

4 A. François Bozizé.

5 Q. Thank you. What was her function within the NGO?

6 A. She also is a victim. She set up this NGO because she's also a victim, and it's
7 with the aim of meeting other victims with a view to working within this NGO.

8 Q. What NGO is that?

9 PRESIDING JUDGE STEINER: Madam Witness, did you understand counsel's
10 question?

11 THE WITNESS: (Interpretation) What question are you talking about?

12 MR HAYNES:

13 Q. I'll repeat it. What is the name of the NGO that Bernadette Sayo is connected
14 with?

15 A. OCODEFAD.

16 Q. Do you know whether she is still connected with OCODEFAD?

17 A. Since I'm no longer interested in the activities of that NGO, I no longer know
18 what's happening there and I no longer know if she is still going there.

19 Q. Have you heard nothing about it on the radio, or in the news in the Central
20 African Republic?

21 A. I have no information concerning her activities.

22 Q. Very well. When did you first meet her?

23 A. I don't have the date in mind.

24 Q. How long did you know her for?

25 A. It was the victim's sister who I met when we had the examinations and it was

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 she who informed me that Sayo had created an NGO for the victims.

2 Q. Thank you. When did Mr Ngoungaye Wanfiyo first become your lawyer?

3 A. It was after my meeting with the Prosecutor. After that meeting, I tried to meet
4 him.

5 Q. Very well. When did you first tell your story to Bernadette Sayo?

6 A. I don't remember the date of the interview.

7 Q. Approximately how long ago?

8 A. I don't remember the date. If I did, I would mention it.

9 Q. Very well. But was the interview with Ms Sayo herself?

10 A. What interview are you talking about?

11 Q. The interview that you have just referred to.

12 A. You spoke to me about documents. I answered you. I told you that in what
13 we had to do, that is to say myself and the persons who I met, I personally didn't
14 write anything myself with my own hand. I never said that I had an interview with
15 Madam Sayo.

16 Q. It may be my misunderstanding. I asked you when you first told her your
17 story, and you replied you don't remember the date of the interview. Can you
18 therefore explain to us the circumstances in which you told Ms Sayo about the things
19 that happened to you?

20 A. I think I spoke about a secretary who was in our unit and gave the -- she gave
21 the instruction to the secretary for the interview, and she asked what happened,
22 where it happened, because yesterday it was you who spoke about a complaint. I
23 deduced therefrom that it was a complaint, so the person who interviewed us didn't
24 say clearly that it was a complaint. It was a secretary who registered this and who
25 wrote the report.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 Q. It might be my misunderstanding, or it might be a problem with translation, but
2 I thought when I asked you who you had told your story to you said, "Only the
3 Prosecutor and Sayo," and I just want to know when and what -- and in what
4 circumstances you told Sayo.

5 A. It was the NGO that she created. Even if I didn't personally meet her, she sent
6 a secretary and this secretary wrote a report. She was the director, or the president,
7 of the organisation.

8 Q. Well, did you personally meet her?

9 A. I don't know that.

10 Q. You don't know whether you met Bernadette Sayo?

11 A. I told you that the document upon which you asked me questions about was
12 drawn up by the secretary, and it was the secretary who gave the document to her.

13 Q. Which document are we talking about?

14 A. I told you that the person who knew what had happened to me and to whom I
15 told what had happened and who was in the NGO of Sayo and also -- so it was to the
16 NGO of Madam Sayo, to the investigators of the Office of the Prosecutor and to the
17 counsel.

18 Q. So that is three people?

19 A. Yes.

20 Q. You said in your interview with the Prosecutor - and for those who want to find
21 it, it's page 0434 - that you attended regular meetings at which the case was discussed.
22 How regular were the meetings which you attended?

23 A. I'm not so sure I've understood your question.

24 Q. Did you attend meetings of OCODEFAD at which the progress of the case was
25 discussed?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 A. I didn't speak of any meetings. It was because the activities were not
2 functioning, that's why I withdrew from that organisation, but with regard to the
3 details of the meetings I don't know. Perhaps when it comes to the activities,
4 perhaps during her travels or because of her contacts she didn't realise. And, as you
5 said yesterday, it was just yesterday that I learned that everything we had done
6 constituted a complaint.

7 And about the meeting with the Prosecutor I was told that some white people would
8 be coming to meet with us. So she called, she asked us to bring photographs, but she
9 didn't tell us clearly what was going to be done with these documents. We met with
10 the Prosecutor and it was only after that I realised that it was all about a trial. And
11 after that I became worked up, I was not at all happy and I decided to leave the
12 organisation to no longer take part in the organisation.

13 Q. Well, I wasn't going to deal with it just now, but since you've raised it, the
14 meeting with the Prosecutor was a meeting with Mr Moreno-Ocampo at a house in
15 Bangui called (Redacted) wasn't it?

16 A. No.

17 Q. Then what was the meeting with the Prosecutor?

18 A. The investigators from the Office of the Prosecutor, whom I met, the -- it was the
19 investigators from the Office of the Prosecutor, those were the ones I met, but we
20 didn't meet at (Redacted). And the name that you gave me, I am not familiar with.

21 Q. Well, I am asking you about an answer you gave where you said that she
22 contacted you all and told you to bring photos. Did you go to a meeting where you
23 took photographs of yourself?

24 A. No. When we were asked to bring photographs, that was just an item of
25 information. We were asked to bring photographs and that was all there was to it.

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 So there were no -- there was no meeting when we arrived. We were just asked to
2 bring photographs, some people who had them, who wanted to bring them, and we
3 didn't really know what these measures were all about. We didn't know what was
4 going to be done with these photographs. That's what I said.

5 Q. Well, it's a simple question. Did you take a photograph of yourself to
6 anybody?

7 A. It was Madam Sayo and it was in relation to the various measures that she was
8 taking.

9 Q. So you did meet her?

10 A. I met her, but I did -- I gave her only the photographs and then I went on my
11 way.

12 Q. What has caused you to remember that in the last ten minutes, that you met
13 her?

14 A. The question you asked me was about the interview. The interview was
15 when -- is when you meet someone and talk to them. I told you that, during that
16 entire event, we never had an opportunity to talk about the various measures being
17 taken -- that she was taking.

18 Q. Did you ever attend a meeting at which there were other victims present and
19 the Prosecutor addressed you?

20 A. No, never.

21 Q. I want to deal with other meetings now and, to try and help you remember, I'm
22 going to ask that we have another page of your interview placed into eCourt and the
23 last three numbers on the page are 434.

24 JUDGE ALUOCH: Mr Haynes, it seems to me that the witness doesn't know the
25 difference between the Prosecutor and the investigators from the Prosecutor. You

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 are asking her questions assuming that she knows about -- she knows the Prosecutor.

2 It seems to me that there is a confusion there, because she keeps talking about

3 investigators from the Prosecutor's office.

4 MR HAYNES: Thank you, Judge Aluoch. I'll come back to that, if I may. That's a

5 helpful suggestion. This is, of course, a confidential document and shouldn't be

6 broadcast.

7 (Pause in the proceedings)

8 MR HAYNES: May I proceed?

9 PRESIDING JUDGE STEINER: Please, Mr Haynes.

10 MR HAYNES: Thank you, Madam President.

11 Q. In this passage of the interview, the investigators are asking you about the

12 diskettes that you've just told us -- or you told us about a little earlier today, and they

13 ask, "How do you know that the doctor gave Mr Ngoungaye this information?" And

14 you said, "I know that when the investigation started, the doctor provided

15 Mr Ngoungaye the diskette to help him prepare the trial." And you are asked, "How

16 do you know that?" And you answered, "When we meet as victims, we always ask

17 about the evolution of the investigation for the trial purpose."

18 Now, how often did you meet as victims?

19 A. I haven't understood your question. Could you rephrase your question, or

20 divide it in two, so I can understand it properly?

21 Q. Absolutely. That's perfectly fair. Did you meet with other victims?

22 A. We would have meetings in our neighbourhood. We members of the NGO

23 were divided into various local branches, one for each neighbourhood, and so we

24 would meet within our various groups. We would have meetings with the secretary

25 present. The secretary would take notes. That's what I was talking about.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 Q. Thank you. How often did these meetings take place?

2 A. They weren't regular meetings. Perhaps once every two weeks.

3 Q. When was the first one?

4 A. I don't remember the date. I don't have that date in mind, so I can't give it to
5 you.

6 Q. How many meetings did you go to?

7 A. We would meet to prepare various activities and within these meetings, when
8 there was information to be provided, we would have a meeting so as to receive such
9 information, but we ended these meetings. We didn't hold a lot of such meetings.

10 Q. Who organised these meetings?

11 A. We would organise the meetings by local branch, or group, and there was a
12 chairwoman for each local group.

13 Q. Did the meetings take place before you spoke to the investigators of the Office
14 of the Prosecutor?

15 A. We held these meetings, we finished with these meetings and then it was quite a
16 while after that we received a visit from the investigators of the Prosecutor.

17 Q. How many people attended the meetings you went to?

18 A. The victims living in the 4th arrondissement.

19 Q. And when did you learn that an investigation was taking place?

20 A. I know nothing about the investigation. Are you talking about the fact that we
21 met with the Prosecutor? I don't really remember the date on which we met the
22 Prosecutor.

23 Q. When you say, "... we met the Prosecutor," what person do you have in your
24 mind as the Prosecutor?

25 A. I'm sorry, I was referring to the people who were working for the Prosecutor,

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 not the Prosecutor himself. I beg your pardon, I made a mistake.

2 Q. How do you know the Prosecutor is a man?

3 A. Did I say in my statements here that the Prosecutor was a man? I talked about
4 the officers, the people who work for the Prosecutor.

5 Q. Well, what has appeared in the transcript is that you have made a distinction
6 between "... the people who were working for the Prosecutor and the Prosecutor
7 himself." I just wondered whether you know who the Prosecutor himself is.

8 A. I worked with the people who report to the Prosecutor. I did not work directly
9 with the Prosecutor, so he was not introduced to me.

10 THE INTERPRETER: Correction: he did not introduce himself to me.

11 MR HAYNES:

12 Q. Well, I'm going to leave this alone, but to satisfy or to clear up the possible
13 difficulty, the Prosecutor is a man. He's called Luis Moreno-Ocampo. I don't know
14 how long he's worn a beard, but he's from South America. Did you meet anybody
15 like that at a meeting with lots of other victims?

16 A. Never.

17 Q. Thank you. And when you went to your local meetings and you told the
18 investigators of the Prosecutor that you talked about the evolution of the trial process,
19 what did the group of you actually talk about?

20 A. It was in relation to the document. For example, the people -- correction, the
21 kind of documents you showed me yesterday. It was that kind of work we were
22 doing. That was our task. We were asked to -- well, we weren't told exactly what
23 was going on. We tried to do what was asked of us.

24 Q. But is it right that you knew when you were going to these meetings that there
25 was a trial process?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 A. I didn't know. It was only after the meeting with the members of the OTP, that
2 was when I found out that it was like that; that it was a trial. I wondered -- I was
3 wondering why we were not being told what was going on. Even when I met them,
4 I didn't even know that the people were from the Office of the Prosecutor. It was
5 during the meeting that I learned that those people came on behalf of the Prosecutor.

6 Q. When you were attending victims' meetings, did you as victims share your
7 experiences with one another?

8 A. It was when we were filling out the form. Each victim would come out or
9 explain her experiences to the secretary so the secretary could write it down. We
10 didn't have meetings to talk about what had happened to us.

11 Q. Did you make friends with people who went to these meetings?

12 A. We would just meet at the meetings and, after, each member would go back to
13 his or her home.

14 Q. So, at these meetings of victims, nobody ever talked to anybody else about what
15 had happened to them; is that right?

16 A. Each victim had his or her own experience, but it was not a forum to explain our
17 various experiences. Each person came individually.

18 MR HAYNES: It appears I haven't achieved my objective. I haven't got very much
19 longer to go, but this might be a good time for a break if it's convenient to the Court.

20 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. Madam Witness, we are
21 going to suspend now our hearing in order for you to have lunch and to rest a little
22 bit. We will be back here at 2.30 in the afternoon.

23 I ask, please, the court officer to turn briefly into closed session in order for the
24 witness to be taken out of the courtroom.

25 *(Closed session at 12.58 p.m.) Reclassified into Open session

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

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

2 (The witness stands down)

3 PRESIDING JUDGE STEINER: Let's go back into open session, please.

4 (Open session at 12.59 p.m.)

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

6 PRESIDING JUDGE STEINER: Thank you, court officer. Mr Haynes, is it possible
7 for the Defence to make an estimation on how long it would take to finish the
8 questioning of the witness?

9 MR HAYNES: I think it will only take another half-an-hour. I might be wrong, so
10 don't shoot me if I am, but that's my guess.

11 PRESIDING JUDGE STEINER: And then, Madam Kneuer, would it be in the
12 interests of the Prosecution to start questioning Witness 23 in the remaining hour?

13 MS KNEUER: Yes, Madam President, that is possible.

14 PRESIDING JUDGE STEINER: Okay. So we will resume at 2.30, but then the
15 Chamber will have to issue two oral decisions before the witness is brought into the
16 courtroom. We are going to suspend now and resume at 2.30.

17 THE COURT USHER: All rise.

18 (Luncheon recess taken at 1.01 p.m.)

19 *(Upon resuming in closed session at 2.34 p.m.) Reclassified into Open session

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

21 THE COURT OFFICER: Good afternoon, your Honours, Madam President. We are
22 in closed session.

23 PRESIDING JUDGE STEINER: So, good afternoon. Since we are going to start
24 with Witness 23's testimony this afternoon, the Chamber is going to issue now, since

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 we are in closed session, the decision - the oral decision - on protective measures for

2 witnesses 23, 80, 81, and 82.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26 20.01.2011

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 39 redacted

14

15

16

17

18

19

20

21

22

23

24

25

26 20.01.2011

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 40 redacted

14

15

16

17

18

19

20

21

22

23

24

25

26 20.01.2011

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 41 redacted

14

15

16

17

18

19

20

21

22

23

24

25

26 20.01.2011

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15 Page 42 redacted

16

17

18

19

20

21

22

23

24

25

Trial Hearing
Witness: CAR-OTP-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (The witness enters the courtroom)

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

7 (Open session at 2.53 p.m.)

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

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

10 THE WITNESS: (Interpretation) Good afternoon to you, Madam President.

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

13 THE WITNESS: (Interpretation) Yes, I did rest.

14 PRESIDING JUDGE STEINER: Can you continue giving your testimony?

15 THE WITNESS: (Interpretation) Yes.

16 PRESIDING JUDGE STEINER: Then I will give the floor to the Defence, I think
17 Mr Haynes, to continue questioning the witness.

18 MR HAYNES:

19 Q. Madam, the advantage of a break is often that it makes lawyers look at things
20 again and make them shorter. I'm going to keep you here for just a few more
21 minutes and then you can be out into the afternoon sunshine. So if you will just
22 listen to my questions very carefully and answer them as shortly as you can, we will
23 be done all the quicker. Is that okay?

24 A. Yes, that suits me.

25 Q. Okay. Three short topics, that's all. Do you remember in 2008 that you went

Trial Hearing
Witness: CAR-OTP-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 to Bangui and you talked to two investigators from the Office of the Prosecutor?

2 They were both Spanish.

3 A. They were both of Spanish nationality? I don't think so. The people that I
4 cooperated with were not of that nationality.

5 Q. Very well. That's my mistake. I thought you remarked to one of them that
6 she was Spanish. Was one of them Spanish?

7 A. Yes, one of the two was of Spanish nationality.

8 Q. Then I'm sorry for my mistake. But you remember the occasion. They asked
9 you a lot of questions over a few days. That's right, isn't it?

10 A. Yes.

11 Q. Now, they were not the first investigators from the Office of the Prosecutor you
12 had met, were they? You'd met some other investigators before then.

13 A. Yes, I did have opportunity to meet with others before that, before meeting
14 those two.

15 Q. Okay. And did those first investigators that you spoke to ask you questions
16 about what had happened to you?

17 A. Yes.

18 Q. For how long?

19 A. Well, I can't remember how long.

20 Q. Did you notice whether either -- well, I'm assuming there were two of them, but
21 did you notice whether any of those investigators wrote down what you were saying
22 on that occasion?

23 A. Regarding the two, one of them -- one of the two took down notes.

24 Q. Thank you very much. I'm finished with that topic. I'm just going to move on
25 to another one. Do you know what FACA is?

Trial Hearing
Witness: CAR-OTP-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 A. Yes.

2 Q. What is it?

3 A. It means the Armed Forces of Central Africa.

4 Q. Thank you. And during the events you have described, were FACA fighting
5 on the same side as Bozizé's rebel forces?

6 A. I have no information about FACA during the fighting.

7 Q. Well, who ultimately was in command of FACA?

8 A. I don't know. This goes back a long way, so I don't recollect.

9 Q. Very well. You said to us the other day on 18 January, at page 22 of the
10 uncorrected transcript in English, lines 10 to 11, that it was your understanding that
11 the Banyamulengue came to help Patassé; is that right?

12 A. It's not what I said. That's what I heard on the radio. It was said that they
13 had come to support the President of the Republic. That was on the 27th.

14 Q. And does the President of the Republic, so far as you're aware, command the
15 FACA?

16 A. I'm not a soldier. As such, I don't have information concerning military
17 operations.

18 Q. Okay, well, we'll leave that alone then. I've just got two or three more
19 questions for you and I want you to listen carefully, please. It is the Defence case
20 that no soldiers of the MLC entered the Central African Republic until 30 October
21 2002. Do you understand what I'm saying?

22 A. It's that I've only told here what I experienced.

23 Q. Yes. Well, thank you. I'll take it that you understand what I'm saying.

24 Therefore, if you are right, on 27 October there must have been some other men on
25 the territory of the Central African Republic in uniform who spoke Lingala. Do you

Trial Hearing
Witness: CAR-OTP-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 agree?

2 A. Yes.

3 Q. The people who did these things to you came to be known as Banyamulengue,
4 didn't they?

5 A. Yes.

6 MR HAYNES: Thank you. I have no further questions.

7 PRESIDING JUDGE STEINER: Has the Defence finished?

8 MR HAYNES: Yes, we have.

9 PRESIDING JUDGE STEINER: Therefore, I ask Ms Kneuer whether the Prosecution
10 intends to re-direct any questions to the witness?

11 MS KNEUER: No, Madam President.

12 PRESIDING JUDGE STEINER: I assume that Judge Aluoch has some clarification?

13 JUDGE ALUOCH: Yes, just one clarification, Madam Witness, and I'm sorry to go
14 back to this incident of the sexual assault. When these men beckoned you - these
15 soldiers, rather, beckoned you - and your sister-in-law and you went to them in good
16 faith and then they turned out not to be what you expected, you told us what they
17 were wearing, uniform of the soldiers of the Central African Republic, and you also
18 said that they spoke amongst themselves a language you recognised as Lingala; a
19 language from the other side of the river.

20 Now, what I want to ask you is if you are able to tell the Chamber, apart from the
21 uniform they were wearing, the shoes, the language, did they have any distinctive
22 physical features? Like would you describe them as tall, short, dark, light, or do all
23 soldiers whilst in uniform look the same to you? Would you be able to tell this
24 particular group are the Banyamulengues? Are you able to -- do you understand
25 what I'm saying? Thank you.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0023

1 THE WITNESS: (Interpretation) Yes, I understand.

2 JUDGE ALUOCH: Do you want to give an answer then, if you understand, please?

3 THE WITNESS: (Interpretation) Where it concerns the physical aspect, these were
4 black men. Where it concerns their size, some of them were average. Others were
5 quite big.

6 JUDGE ALUOCH: So would you say that their features -- these men that you call
7 Banyamulengues, were their features any different from the features of the soldiers of
8 the Central African Republic? That's what really I'm interested in, thank you.

9 THE WITNESS: (Interpretation) What shows that these were foreigners was the
10 language. That made it possible to identify them as coming from the other side of
11 the river.

12 JUDGE ALUOCH: Thank you very much. That's all.

13 PRESIDING JUDGE STEINER: Madam Witness, thank you very much for you to
14 come to the Court in order to give your testimony. The Prosecution and the Defence
15 have put many questions to you and the Chamber knows how difficult it was for you
16 to answer to all these questions, so we thank you very much for your effort in trying
17 to help the Chamber in the Chamber's search for the truth.

18 We assure, Madam Witness, that it's critical that persons like you are prepared to
19 come here and give evidence to assist us in relevant issues related to the case. We
20 are aware that this will certainly have been inconvenient for you and possibly it may
21 have involved even some personal risk.

22 You therefore leave us now in order to go home with our thanks, the thanks of the
23 Chamber and of the International Criminal Court, and we wish you a very, very calm
24 journey back to your country. Thank you very much, Madam, and before you leave
25 I would like to ask whether there is anything you would like to address to the Bench?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0023

1 THE WITNESS: (Interpretation) I have nothing to say.

2 PRESIDING JUDGE STEINER: Therefore, thank you very much and now you can
3 go. I'm going to ask the court officer, please, to turn very briefly into closed session
4 in order for the witness to be taken out of the courtroom.

5 THE WITNESS: Merci.

6 *(Closed session at 3.14 p.m.) Reclassified into Open session

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

8 (The witness is excused)

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

10 (Open session at 3.16 p.m.)

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

12 (Pause in proceedings)

13 PRESIDING JUDGE STEINER: I am informed by the court officer that in order to
14 ensure that the protective measures are put in place correctly we need to have a short
15 break, around ten minutes, so we are going to rise for ten minutes. I ask the parties
16 and participants just to stay around, because maybe we can resume even before the
17 ten minutes. But, in any case, we suspend for ten minutes now.

18 THE COURT USHER: All rise.

19 (Recess taken at 3.17 p.m.)

20 *(Upon resuming in closed session at 3.25 p.m.) Reclassified into Open session

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

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

23 PRESIDING JUDGE STEINER: Please, court officer, let's introduce Witness 23 in the
24 courtroom.

25 (The witness enters the courtroom)

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0023

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

2 (Open session at 3.27 p.m.)

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

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

5 Mr Witness.

6 THE WITNESS: (Interpretation) I greet you.

7 PRESIDING JUDGE STEINER: You are most welcome to this Court.

8 THE WITNESS: (Interpretation) Thank you.

9 PRESIDING JUDGE STEINER: Mr Witness, before you start giving your testimony,
10 the court officer will help for you to take the oath. He's going to read to you the
11 words, the words for you please to repeat to this Court. Do you understand that?

12 THE WITNESS: (Interpretation) I understand.

13 PRESIDING JUDGE STEINER: Court officer, please, short sentences.

14 THE COURT OFFICER: Yes, Madam President.

15 WITNESS: CAR-OTP-PPPP-0023 (Sworn)

16 (The witness speaks Sango)

17 PRESIDING JUDGE STEINER: Thank you very much. Can I confirm with you,
18 Mr Witness, that you understand what the oath means?

19 THE WITNESS: (Interpretation) I've given an oath to publicly state everything that
20 happened in the Central African Republic.

21 PRESIDING JUDGE STEINER: So do you understand that you must give answers to
22 questions asked that are true and accurate, to the best of your knowledge and belief?
23 Do you understand that?

24 THE WITNESS: (Interpretation) Yes, I understand.

25 PRESIDING JUDGE STEINER: Thank you very much. Mr Witness, as you have

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0023

1 had explained to you by the Victims and Witnesses Unit during your familiarisation
2 process since arriving in The Hague, you will be questioned by the Prosecution, then
3 by the legal representative of victims and finally by the Defence.

4 As you know, the Chamber has put in place measures to protect your identity from
5 the public, and so you will be referred to during the course of your testimony as

6 "Witness," "Mr Witness," "Witness 23". Your voice and also your image that is

7 broadcast outside the courtroom is distorted so that you cannot be identified by the
8 public outside this courtroom. You have a support person sitting at your side.

9 Because we speak different languages there is interpretation so we can all understand

10 each other, but then it's important that you speak slower than normal, as I'm doing

11 right now, in order to allow the interpreters to do their job. Sometimes, if you start

12 speeding up, I will have to interrupt you to remind you that you have to slow down.

13 I hope this will not discourage you from speaking. Do you understand that,

14 Mr Witness?

15 THE WITNESS: (Interpretation) I understand.

16 PRESIDING JUDGE STEINER: Finally - and this is very important,

17 Mr Witness - during the course of your evidence you will likely need to refer to your

18 family members. Just as you are being given protective measures to protect your

19 identity, so too they are. I would therefore ask you for you to try to remember all the

20 time, when referring to your family members in the answers that you will give to the

21 counsel's questions, to refer to your family members not by their names, but by your

22 family relationship, so for example you say "my wife," "my youngest daughter, "my

23 eldest daughter" and so on, rather than using their respective names. Counsel will,

24 I am sure, assist you in reminding you of this where possible.

25 Do you understand these recommendations, Mr Witness?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0023

1 THE WITNESS: (Interpretation) Yes, I've understood.

2 PRESIDING JUDGE STEINER: Thank you very much. I have just a few questions
3 to put to you before you start giving your testimony in court. I want to ask you if
4 you have been given the opportunity to read, or have read to you, the statement or
5 statements that you made to the Court?

6 THE WITNESS: (Interpretation) Yes, that was read to me and I understood.

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

9 THE WITNESS: (Interpretation) Yes, I did so of my own volition.

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

12 THE WITNESS: (Interpretation) Yes, I said the truth. If I was not touched in my
13 soul, I would not be able to travel all the way to this place.

14 PRESIDING JUDGE STEINER: That's why you are so welcome to this Court,
15 Mr Witness. Now I'm going to give the floor to the Prosecution. The Prosecution
16 will start questioning you. Prosecution.

17 QUESTIONED BY MR BIFWOLI:

18 Q. Good afternoon, sir.

19 A. Good afternoon.

20 Q. How are you feeling now?

21 A. You want to know how I feel here in The Hague, or how I felt back there at
22 home? Here I am in good health.

23 Q. Thank you. Sir, my name is Thomas Bifwoli, and we've met before, and I'll be
24 leading the examination on behalf of the Prosecution. At this moment I wish to
25 thank you very much for your presence today and your cooperation with the Court.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0023

1 Before I proceed, I want to inform you that I will put questions to you in English
2 which will then be translated into Sango for you and it will be done vice-versa for me.
3 We will both need to speak slowly and into the microphone and try to pace ourselves
4 so as to allow the interpreters to interpret into both English and Sango. Can you
5 hear me clearly?

6 A. Yes, I can hear you clearly.

7 Q. Are you having any trouble understanding me?

8 A. No difficulty at all. I can hear you just fine.

9 Q. Thank you. Sir, I will be asking you questions about events that you may have
10 experienced during the 2002 to 2003 conflict in the Central African Republic. During
11 the questioning, I will ask you different type of questions. This may include
12 "When?", "Why?", and "How do you know?" questions. Please do not take offence if
13 you are asked these questions. It is important for the Court to understand the basis
14 of your knowledge of the facts. Do you understand?

15 A. Yes, I understand you.

16 Q. Thank you, sir. If there are any questions that you wish to ask, or questions
17 which you do not understand, please ask me to repeat or rephrase and I will do so.
18 Please feel also free to clarify issues and to ask if you don't understand any aspect of
19 the proceedings. If you don't know the answer to any question, please say so, or just
20 say "I don't know." It is okay if there are some things that you do not know or you
21 do not remember. Do you understand?

22 A. I understand.

23 Q. If at any time you need a break, please let me know.

24 Madam President, may we move into private session so that I can ask questions
25 regarding the witness's identity.

Trial Hearing
Witness: CAR-OTP-PPPP-0023

(Private Session)

ICC-01/05-01/08

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

2 *(Private session at 3.46 p.m.) Reclassified into Open session

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

4 PRESIDING JUDGE STEINER: Mr Witness, we are now in private session, which
5 means that the public cannot listen to anything you say. So you are free to speak
6 whatever you want because when we are in private session, the sound to the public is
7 cut. Do you understand?

8 THE WITNESS: (Interpretation) I understand.

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

10 Q. Sir, as Madam President has explained to you, we are now in private session
11 and I'll proceed to ask you questions about your personal particulars. Sir, could you
12 tell the Court your full name, please.

13 A. I agree. My name is (Redacted). I live in Begoua in the (Redacted)
14 (Redacted)
15 (Redacted)

16 Q. Thank you. Sir, are you referred to by any other name?

17 A. The name -- or the nickname is (Redacted).

18 Q. Sir, could you tell the Court your age and date of birth, please?

19 A. I was born on (Redacted). Today I am (Redacted).

20 Q. And what is your nationality, sir?

21 A. I am from the Central African Republic. I was born in (Redacted), in the
22 locality of (Redacted).

23 Q. And what is your ethnicity?

24 A. I am from among the Mandja ethnic group.

25 Q. And what is languages do you speak and understand?

Trial Hearing
Witness: CAR-OTP-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 A. I speak at least four languages. The first one is Mandja; the second language is
2 Banda; the third language is Sango; and the last language is French, which I speak a
3 little bit.

4 Q. Thank you, sir. And what languages do you understand?

5 A. The languages that I understand are Mandja, Banda, Sango, and French, which I
6 speak and understand a little bit.

7 Q. Thank you for your answer, sir. What level of education have you attained?

8 A. I stopped my schooling in the sixth grade.

9 Q. Are you married, sir?

10 A. I'm not married. I am single and the (Redacted).

11 Q. Do you have a partner?

12 A. I am not married. I live in a common-law relationship.

13 Q. (Redacted)

14 A. (Redacted). I have three women.

15 Q. Can you tell the Court the names of the three women?

16 A. (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. Are you living with all the three?

20 A. Yes, I live with all three. One passed away after the events; (Redacted)
21 (Redacted).

22 Q. Thank you, sir. I'll come back to the details of your wife's passing away and
23 (Redacted) later on in your testimony. And between October 2002 to March 2003,
24 were you living with all your children?

25 A. Yes. We were living all together.

Trial Hearing
Witness: CAR-OTP-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 Q. Do you hold any position (Redacted)

2 A. Yes, I am the (Redacted).

3 Q. You are in (Redacted)

4 A. I am responsible for the (Redacted).

5 Q. For how long have you held this position?

6 A. I have been in this position since (Redacted)

7 Q. For purposes of clarity, were you holding this position in the period between
8 October 2002 and 2003 as well?

9 A. Yes, indeed. We joined an ONG called OCODEFAD -- correction, an NGO
10 called OCODEFAD.

11 Q. Can you explain to the Court your responsibility as (Redacted)

12 A. My responsibilities as the (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted).

16 Q. Thank you for your explanation. During this period, October 2002 to
17 March 2003, was there a group chief (Redacted)

18 A. Yes, there was a group chief. His name is (Redacted).

19 Q. Thank you. Did the group chief have a secretary during this period?

20 A. Yes, he had a secretary with whom (Redacted). His name is (Redacted).

21 PRESIDING JUDGE STEINER: Mr Bifwoli, you still have many questions to be put
22 in closed session, because maybe we have to adjourn?

23 MR BIFWOLI: Thank you, Madam President. In fact, I only have two questions
24 remaining.

25 PRESIDING JUDGE STEINER: I'm sure that our interpreters will indulge us with

Trial Hearing
Witness: CAR-OTP-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 these two more questions.

2 MR BIFWOLI:

3 Q. Sir, I have only two questions remaining for this private session. Where were
4 you living in October 2002 and March 2003?

5 A. Right up until today I haven't moved, because if I did move I would need
6 money to rent another house. Where could I go without money? So I'm still in the
7 same house.

8 Q. Who were you living there with at that time?

9 A. I lived with my partners and my children. We all lived together.

10 MR BIFWOLI: Madam President, I think I have exhausted the questions I had for
11 the private session. Thank you.

12 PRESIDING JUDGE STEINER: Thank you. Let's go very briefly into open session
13 before we adjourn, please.

14 (Open session at 4.04 p.m.)

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

16 PRESIDING JUDGE STEINER: Thank you very much. Mr Witness, we are going
17 to adjourn for today. Today was just for your presentation to the parties and
18 participants. We will continue with your questioning tomorrow morning. We will
19 start at 9.30 in the morning. We hope that you can rest, take a very restful night and
20 we will meet again tomorrow morning at 9.30.

21 Before we adjourn then, we turn into closed session. It's just a very short oral
22 decision on the application of the legal representative to question Witness 23.

23 On 14 July, the Chamber received the application from Maître Zarambaud on behalf
24 of the victims. It's filing 1131. The application contains a list of 13 questions and,
25 having considered the reasons given by Maître Zarambaud as to why the personal

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0023

1 interest of the victims that he represents are affected, the Chamber allows Maître
2 Zarambaud to question Witness 23. However, in relation to questions 11 to 13 of the
3 list, these questions are asking for the witness's opinion on the state of mind of third
4 persons and why the witness thinks they took certain decisions. The Chamber
5 deems it not appropriate, this form of questioning, and so the Chamber does not
6 authorise Maître Zarambaud to ask questions 11 to 13 as put in its list submitted in
7 filing 1131. Of course, Maître Zarambaud can propose a rephrase of these relevant
8 questions.

9 So our hearing today is coming to an end. I want in public session to thank very
10 much the Prosecution team, the legal representatives of victims, I notice the presence
11 of the psychologist of VWU, always welcome to this courtroom, the Defence team,
12 Mr Jean-Pierre Bemba Gombo. I want to thank our interpreters, our court reporters
13 and I am ordering now, please, that we go into closed session in order for the witness
14 to be taken out of the courtroom and we are adjourning to resume tomorrow morning
15 at 11 -- at 9.30. So a nice evening to everyone.

16 *(Closed session at 4.07 p.m.) Reclassified into Open session

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

18 (The witness stands down)

19 THE COURT OFFICER: All rise.

20 (The hearing ends at 4.09 p.m.)

21 CORRECTION REPORT

22 The Court Interpretation and Translation Section has made the following corrections
23 in the transcript:

24 * Page 16 line 7:

25 "si vous venez" is corrected by "if you come from"

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0023

1 RECLASSIFICATION REPORT

2 Pursuant to Trial Chamber III 's Second Order, ICC-01/05-01/08-2223, dated 4 June
3 2012, and the instructions in the email dated 4 November 2013, the version of the
4 transcript with its redactions becomes Public.

5