

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0029

1 International Criminal Court

2 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 Monday, 14 March 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 in

12 open session.

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

14 case.

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

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

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

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

19 Bemba Gombo. I hope that none of the parties or participants was upset, or

20 inconvenienced, as a result of the Chamber not being able to sit last week due to

21 unforeseen circumstances that arose. We are going to try to minimise the problems that

22 may have been caused.

23 Before proceeding with the evidence, the Chamber has two short oral decisions to deliver

24 in relation to the next witness, Witness 29.

25 The first one relates to the applications to question Witness 29 by legal representatives of

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1 victims. On 14 February 2011, the Chamber received an application from Maître
2 Zarambaud on behalf of the victims that he represents to question Witness 29. It's filing
3 1124 confidential. The application contains a list of four questions.
4 Similarly, the Chamber received an application from Maître Douzima on 14 February on
5 behalf of the victims she represents, filing 1223 confidential. In the subsequent
6 corrigendum which was filed on 2 March 2011, filing 1223 confidential corrigendum, the
7 application contains a list of eight questions.
8 Having considered the reasons given by both Maître Zarambaud and Maître Douzima as
9 to why the personal interests of the victims that they represent are affected, the Chamber
10 allows the respective applications to question Witness 29 as set out in the aforementioned
11 filings, except with respect to questions 1 and 2 contained in filing 1223 confidential
12 corrigendum from Maître Douzima. The Chamber considers that these questions should
13 be more clearly phrased and, therefore, invites Maître Douzima to reformulate these two
14 questions accordingly.
15 The second oral decision is on special measures for Witness 29.
16 THE INTERPRETER: Message from the interpreters: If the Presiding Judge could slow
17 down slightly, thank you very much.
18 PRESIDING JUDGE STEINER: I will and I'm sorry, because I didn't welcome you back
19 to the courtroom and so welcome to our interpreters and court reporters.
20 The Chamber has already granted protective measures for Witness 29 by oral decision of 3
21 March 2011, in which the Chamber also deferred any decision on special measures until it
22 had received an assessment from the VWU psychologist. The Chamber received this
23 psychological assessment on 14 March.
24 To assist the witness in giving her testimony the report recommends in-court assistance
25 from a VWU support assistant, who can sit next to the witness in court, and also the

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1 presence of the psychologist in court to monitor the witness as required.

2 The assessment also makes a similar recommendation as for previous witnesses regarding
3 the manner in which counsel asks questions; in particular, when asking questions about
4 sexual violence.

5 The Chamber agrees that the recommendations should be followed, based on the VWU
6 psychologist's assessment, and so authorises these special measures to be put in place
7 pursuant to Rule 88 of the Rules of Procedure and Evidence.

8 Court officer, please could we go briefly into closed session in order for the witness to be
9 brought into the courtroom.

10 *(Closed session at 9.42 a.m.) Reclassified as Open session

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

12 (The witness enters the courtroom)

13 WITNESS: CAR-OTP-PPPP-0029

14 (The witness speaks Sango)

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

16 (Open session at 9.44 a.m.)

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

18 PRESIDING JUDGE STEINER: Thank you very much. First, a request or action in the
19 transcript. We are talking here about Witness 29 not 79.

20 Good morning, Madam Witness.

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

22 PRESIDING JUDGE STEINER: Thank you very much for coming to the International
23 Criminal Court in order to give evidence in this case. Are you feeling ready to start
24 giving evidence, Madam Witness?

25 THE WITNESS: (Interpretation) I am ready to answer your questions.

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1 PRESIDING JUDGE STEINER: Thank you very much, madam. Before we start, the
2 court usher will facilitate you taking the oath by reading out the words of the oath for you
3 to repeat. "Court officer," I better say. Please, court officer, facilitate the witness taking
4 the oath.

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

7 THE WITNESS: (Interpretation) I solemnly declare that I shall tell the truth, the entire
8 truth and nothing but the truth.

9 PRESIDING JUDGE STEINER: Thank you, madam. Now that you have taken the oath,
10 can I confirm that you understand what the oath means?

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

12 PRESIDING JUDGE STEINER: Do you understand that you must give answers to the
13 questions asked of you that are true and accurate to the best of your knowledge and
14 belief?

15 THE WITNESS: (Interpretation) That's right.

16 PRESIDING JUDGE STEINER: Madam Witness, as you will have had explained to you
17 by Victim and Witnesses Unit staff during your familiarisation process since arriving in
18 The Hague, you will be questioned by the Prosecution, by the legal representatives of
19 victims and finally by the Defence team.

20 As you know, the Chamber has put in place measures to protect your identity from the
21 public and so you will be referred to during the course of your testimony as "Witness 29,"
22 as "Madam Witness" or as "Witness." Your name will never be mentioned.

23 Your voice and also your image that is broadcast outside the courtroom will be distorted,
24 and so that you cannot be identified by the public outside the courtroom.

25 Because we speak different languages, there is interpretation so that we can understand

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1 each other. Because of this, it is important that you speak slower than normal, as I'm
2 doing now, in order to allow the interpreters to do their job.

3 Because this can be seen as unnatural, it may be that you start going faster, speeding up,
4 and then I will have to interrupt you to remind you to slow down again. This is purely
5 for practical reasons, and I hope it does not discourage you from speaking. Do you
6 understand that, madam?

7 THE WITNESS: (Interpretation) Yes, I completely understand.

8 PRESIDING JUDGE STEINER: If at any time, madam, you feel tired or distressed, for
9 any reason you need a break, just let me know and you will have as many breaks as you
10 want. Is that fine with you?

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

12 PRESIDING JUDGE STEINER: Madam Witness, I have some questions, initial questions
13 to put to you. During the familiarisation process, have you been given the opportunity
14 to read or have read to you the statement or statements that you made to the Court?

15 THE WITNESS: (Interpretation) Yes, I did have an opportunity to read that statement
16 and I understood it.

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

19 THE WITNESS: (Interpretation) I did it entirely of my own volition.

20 PRESIDING JUDGE STEINER: Is the information that you have provided in your
21 statement or statements true and accurate, to the best of your knowledge and
22 understanding?

23 THE WITNESS: (Interpretation) I do know that my statements are accurate. I only
24 told them what I experienced, what I went through.

25 PRESIDING JUDGE STEINER: Thank you very much, madam. Now you are going to

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1 start giving your testimony and the first to question you will be the Prosecution.

2 Prosecution. First, could you please introduce yourself and your team today?

3 MS CARL: Thank you, Madam President, your Honours. My name is Bärbel Carl and I

4 will be representing the Prosecution today. I am with senior trial lawyer Petra Kneuer,

5 with trial lawyer Eric Iverson, with trial lawyer Massimo Scaliotti and with legal assistant

6 Sylvie Wakchom, with case manager Frédérique Besse and with our interpreter

7 Madeleine Somte.

8 QUESTIONED BY MS CARL:

9 Q. Good morning, Madam Witness.

10 A. (No interpretation)

11 Q. We met briefly last week and I just introduced myself. My name is Bärbel Carl.

12 Thank you very much for your presence today.

13 I will ask you questions about the events in the Central African Republic in 2002 and 2003.

14 If at any point you do not understand my questions or any aspect of the proceedings,

15 please let me know and I will rephrase my question and provide you with clarification.

16 Do you understand?

17 A. Yes, I understand that very well.

18 Q. If you would like me to represent any of my questions, just let me know. Please

19 take your time to answer each question so that you can provide the Judges with the full

20 account of what you know. Madam Witness, during the questioning I will be asking you

21 many questions such as when, why and how do you know. I ask you to please be

22 patient and answer them as best as you can. This will assist all of us to understand what

23 you know and how you know it. Finally, as Madam President has informed you, if at

24 any time you need a break, please let Madam President know. Do you understand?

25 A. Yes, I understand that.

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1 MS CARL: Madam President, may I request to move into private session so I can elicit
2 the identifying information.

3 PRESIDING JUDGE STEINER: Court officer, please. And please, madam, explain to
4 the witness what is exactly "private session."

5 *(Private session at 9.59 a.m.) Reclassified as Open session

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

7 MS CARL:

8 Q. Witness, we are in private session now. This means that what you say in this
9 courtroom can only be heard by the people that are present here. It cannot be heard by
10 anyone outside the courtroom. This also means that you can provide names and
11 identifying information of you and other people, so please feel free to give complete
12 answers. Madam Witness, can you state your name, please?

13 A. I'm called (Redacted).

14 Q. Where were you born?

15 A. I was born in (Redacted).

16 Q. In which country is (Redacted), Madam Witness?

17 A. (Redacted) is in the prefecture of (Redacted) in Central African Republic.

18 Q. What is your date of birth?

19 A. I was born on (Redacted).

20 Q. And what is your nationality?

21 A. I am from the Central African Republic.

22 Q. What is your ethnic origin, Madam Witness?

23 A. I am from (Redacted) ethnic group.

24 Q. Are you married?

25 A. I am (Redacted).

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1 Q. Do you have children?

2 A. I have (Redacted).

3 Q. I hear that you speak Sango, Madam Witness. Do you speak any other language?

4 A. I speak Sango, I speak (Redacted) and a bit of French.

5 Q. Thank you, Madam Witness. And Sango and French, can you also read and write
6 it?

7 A. Yes, I can read and write these two languages.

8 Q. What education do you have, madam?

9 A. I was (Redacted).

10 THE INTERPRETER: Says the witness in French.

11 MS CARL:

12 Q. What is your current occupation?

13 A. Currently, (Redacted)

14 (Redacted).

15 Q. Without referring to the specific quartier, or neighbourhood, can you please tell us
16 the city where you are presently living?

17 A. In Bangui, I live in the (Redacted).

18 Q. Where were you living between October 2002 and March 2003, Madam Witness?

19 A. From October to March 2003 I was in Bangui, and I went back to Mongoumba in
20 February.

21 MS CARL: Thank you, Madam Witness. Madam President, I have concluded my
22 questions for private session.

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

24 (Open session at 10.07 a.m.)

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

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1 MS CARL: May I continue, Madam President?

2 PRESIDING JUDGE STEINER: Yes.

3 MS CARL: Thank you.

4 Q. Madam Witness, we are in open session now. That means what you say now can
5 be heard outside the courtroom in the public gallery and it's broadcast to the public.

6 Therefore, I would like to remind you and myself to avoid mentioning names or
7 information that can identify you or other people. If in the course of your answers you
8 would like to mention names, please let me know and I will request Madam President to
9 allow us to move into private session. Alternatively, I may just make a note and ask you
10 for this information at a later stage. Do you understand, madam?

11 A. Yes, I understand.

12 Q. Madam Witness, I propose that I ask you first questions on the background
13 regarding the events in the Central African Republic between 2002 and 2003; I will then
14 ask you questions regarding what, if anything, happened to you; then I will ask you about
15 what you witnessed yourself, or what you may have heard; and finally I will ask you
16 about the impact, if any, that this has had on you. Is that an acceptable way to proceed?

17 A. Yes, that is fine.

18 Q. Madam, I would like to draw your attention to the events that happened in the
19 Central African Republic between 2002 and 2003. Do you remember this period?

20 A. Yes, I remember this period very well.

21 Q. What was happening in the Central African Republic at that time?

22 A. As I said in my statement, in -- from October 2002 to March a lot of events had
23 occurred in Bangui. As I said in my statement --

24 THE INTERPRETER: The witness repeats.

25 THE WITNESS: (Interpretation) -- in October 2002 a lot of events took place in the north

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1 of Bangui, near Boy-Rabé, PK12, PK22, but myself I was living in the south of Bangui.

2 We weren't affected by the October events -- October 2002 events.

3 MS CARL: Thank you, Madam Witness. Could you please explain to us what you
4 mean when you say there were a lot of events?

5 A. In October 2002 -- I shall start with October 2002, because there were a lot of other
6 events such as the mutiny that took place before that date, but in 2002 we saw the arrival
7 of the Banyamulengue. The Banyamulengue arrived in the northern neighbourhood of
8 Bangui and they committed a lot of atrocities. They pillaged. They killed people.
9 They raped women. They raped girls. They even raped men. They really committed
10 atrocities, which heavily affected many families.

11 Q. Madam, I will briefly ask questions about the atrocities you are referring to. Before,
12 could you explain who you are referring to when you say "Banyamulengue"?

13 A. When I speak about the Banyamulengue, I am referring to the soldiers who came
14 from the DRC, Congo. These soldiers who crossed over to come to our house, we
15 called -- to our homes, we called them the Banyamulengue.

16 Q. You said they crossed over. What did they cross?

17 A. They crossed the river at Bangui. If you are in the centre, the town centre of Bangui,
18 from the other side of the river there is a Congolese town called Zongo and they crossed
19 over from Zongo to come to our country.

20 Q. Could you please tell us the name of this river?

21 A. This river is called the Ubangi River. The Ubangi River.

22 Q. Madam Witness, you said the Banyamulengue crossed over from Congo and there
23 were a lot of events. Do you know why the Banyamulengue crossed over to the Central
24 African Republic?

25 A. I don't know why they came. At the time, we had a lot of problems in the country.

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1 I can't tell you. Only the authorities can tell you why the Banyamulengue came. The
2 authorities must have come to some kind of agreement before these troops came over.

3 Q. Who were the authorities at that time?

4 A. As I was told not to mention any names at the time, I would speak about the former
5 president; that is to say, the one who was in power before the current one.

6 Q. Madam Witness, in that case it's fine to mention the name of the president. Could
7 you please tell us who was president at that time?

8 A. At the time, it was Ange-Felix Patassé who was president.

9 Q. Who is the current president of the Central African Republic?

10 A. Currently, the president is Mr François Bozizé. He's the president of our country,
11 the Central African Republic.

12 Q. What was Mr Bozizé's role and position when Mr Patassé was president; do you
13 remember this?

14 A. Yes, I remember. When Patassé was in power, Mr Bozizé was the Chief of Staff, the
15 chief of the army.

16 Q. Thank you, Madam Witness. I would like to maybe rephrase my former question.
17 When you said that there were problems in your country, when Mr Patassé was president
18 and the Banyamulengue came, was there a reason for the Banyamulengue to come?

19 A. I wasn't a member of the authorities of the country to be able to know why they
20 intervened. Probably they were called upon to come to the aid of the powers, to push
21 the rebels back, or perhaps were they called upon to come to do harm unto us? That is
22 something that I couldn't tell you. I think it was he, himself, who would be able to tell
23 you that.

24 Q. You just mentioned the rebels. Who are you referring to when you say "rebels"?

25 A. If I speak about rebels, it was with regards to the mutiny that happened before 2002.

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1 And I spoke about the Banyamulengue, when I spoke about the events in 2002.

2 Q. Were there any rebels in 2002 as well, Madam Witness?

3 A. Yes, in 2002 there were also rebels. Most of these rebels, the former mutineers, they
4 had established their base in the south, in the sector that I was living. The rebels were
5 based in that sector and the loyalists were on the north side.

6 Q. I would like you to focus on the period of 2002. In that time, who was the leader of
7 the rebels?

8 A. I couldn't know that. I'm not a soldier, so I can't identify the different officers. All
9 I know is that the country was in a crisis and people were fleeing everywhere, so the
10 authorities who were directing that at the time that is something that I would not be able
11 to tell you.

12 Q. Madam Witness, you told us shortly before that there were a lot of events in the
13 north of Bangui, and the Banyamulengue raped, pillaged and killed. You said you were
14 in the south of Bangui. How did you find out about the events in the north of Bangui?

15 A. You know, Bangui is not too big. When the events happened and the
16 Banyamulengue came into the north, the people who lived in that sector they fled and
17 they went to find refuge, take refuge in the south. Even where I lived, I was able to put
18 up three girls, and I spoke to them and they were reporting on everything that was
19 happening in that sector to me.

20 Q. Which sector did these girls come from?

21 A. These girls told me that they were from the Gobongo sector.

22 Q. Does Gobongo have any other name?

23 A. The neighbourhood is called Neighbourhood Gobongo. This is on the road that
24 goes to PK12.

25 Q. For us to have a better understanding and locate what happened, can you give us an

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1 estimate how far Gobongo is from the centre of Bangui?

2 A. I do not know. If you mentioned PK12, in my opinion the distance between the
3 town centre and PK12 would be 12 kilometres. But when you leave the town centre to
4 arrive in Gobongo, from there to go to PK12, maybe the distance could be three kilometres,
5 but I couldn't tell you that exactly.

6 Q. That's fine, Madam Witness. The three girls that came to your neighbourhood and
7 went to your house, what did they tell you about what was going on in Gobongo?

8 A. It wasn't just these three girls. A lot of people were coming in our direction and
9 they went through our neighbourhood to go to Bimbo. People who were in good faith
10 gave refuge to those who were fleeing. When they told me that, they didn't say precisely
11 if she'd been raped, but they did say that the Banyamulengue were committing rapes on
12 men, on women, and that they're also telling them to undress in front of their children or
13 spouses, and this was very sad. Everybody in the sector was very sad.

14 Q. Do you remember when this happened?

15 A. I don't remember the exact date. I think that the events started at the end of the
16 month of October, but I do not remember the exact date.

17 Q. You said that these girls and also other people told you about what the
18 Banyamulengue did in the north of Bangui. How did these people know that these were
19 Banyamulengue?

20 A. As I stated in my declaration, or my statement, the soldiers who were in our country,
21 and known to us all, and when our soldiers speak even in French, we know, but those
22 who came, the way in which they spoke, it was different. They didn't speak French well.
23 They didn't speak Sango. So we knew very well that it was them.

24 Q. Was there any other reason why these people knew that they were Banyamulengue?

25 A. We knew that it was the Banyamulengue because when the events occurred -- or

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1 when the events went to Mongoumba to go to Libenge, we knew it was them, particularly
2 given that the way in which they spoke French. It was different the way in which
3 Central Africans spoke French. We knew very well that it was the Banyamulengue.

4 Q. Madam, how long did the girls that had taken refuge at your house stay with you?

5 A. They just spent three days with us and then they left to Gobongo.

6 Q. After they had left, what did you do, madam?

7 A. I didn't do anything in particular. Having stayed three days in my house they said
8 they wanted to leave today, and I said, "Okay, leave in peace." I didn't do anything in
9 particular.

10 Q. Did you stay in your place?

11 A. Yes, I stayed at home.

12 Q. Did you stay in Bangui during the whole time of the events?

13 A. I've told you that I stayed in Bangui until February and then I went to Mongoumba.

14 MS CARL: Madam President, may I request to briefly move into private session for
15 some questions?

16 PRESIDING JUDGE STEINER: Court officer, please let's move into private session.

17 *(Private session at 10.31 a.m.) Reclassified as Open session

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

19 MS CARL:

20 Q. Madam, why did you go to (Redacted)?

21 A. (Redacted) You see, since there was
22 such a crisis underway they were worried about our situation, so it was important for me
23 to go there so I could rest (Redacted).

24 Q. (Redacted)?

25 A. (Redacted)

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1 (Redacted).

2 Q. (Redacted)

3 A. (Redacted)

4 Q. (Redacted)

5 A. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 MS CARL: Thank you, madam. Madam President, with your leave, we can move into
12 open session.

13 PRESIDING JUDGE STEINER: Court officer, please.

14 (Open session at 10.34 a.m.)

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

16 MS CARL:

17 Q. Madam Witness, we moved back into open session, so please make sure not to give
18 away any identifying information of yourself and other people. Can you please tell the
19 Court where Mongoumba is?

20 A. Mongoumba is found to the south of Mobaye. It is a town on the border between
21 the two Congos; that is to say, the Democratic Republic of the Congo and Congo
22 Brazzaville.

23 Q. In relation to Bangui, do you know where Mongoumba is located?

24 A. In relation to Bangui, Mongoumba is in the direction that leads towards Brazzaville.

25 If you take a boat at Bangui, to go to Brazzaville, first you go by way of Mongoumba to

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1 eventually reach Brazzaville.

2 Q. How big is Mongoumba?

3 A. Mongoumba is a sub-prefecture that is not all that big, but it is separated by a river
4 that is called Lobaye; the Lobaye River. When you leave Bangui and go towards
5 Mongoumba, you first get to a place where you have to cross this river, the Lobaye River,
6 before you move on for ten kilometres until you reach Mongoumba. That is the
7 sub-prefecture of Mongoumba.

8 Q. If you travel from Bangui to Mongoumba, how many hours does it take?

9 A. If you go to Mongoumba by way of the road, it would take you four hours to get
10 there.

11 Q. Thank you. You mentioned that it's possible to also go by boat from Bangui to
12 Mongoumba. How long would this take?

13 A. The trip by boat is longer. You spend the night along the way. You would leave
14 Bangui in the evening. You would spend the night at Zinga and get to Mongoumba the
15 next day.

16 Q. You told us that you travelled to Mongoumba in February 2003. Which means of
17 transport did you use?

18 A. I went to Mongoumba by way of a vehicle.

19 Q. Who was driving this vehicle?

20 A. I took the mass transit vehicles.

21 Q. Were there other people travelling with you, madam?

22 A. Yes, there were many other passengers. Many people were going to Mongoumba
23 during that period of time, so there were many of us.

24 Q. Do you recall if these passengers were talking about something specific?

25 A. No, there was no topic in particular. We were talking about ordinary trivial things;

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1 not about a specific topic.

2 Q. When you arrived in Mongoumba, madam, what was the situation there?

3 A. When I got there in February the situation was calm, there was nothing in particular
4 going on, but people were very much afraid and concerned because of the events in
5 Bangui, because many of the inhabitants of Mongoumba had relatives in Bangui. People
6 lived in fear and uncertainty, but there was nothing in particular going on in
7 Mongoumba.

8 Q. Madam, do you remember on what day you arrived in Mongoumba that
9 February 2003?

10 A. No, I no longer remember that. I no longer recall the date. I didn't know that
11 there would be an event so that I would remember the date. I just remember that I got to
12 Mongoumba in February.

13 Q. I would now like to ask you questions about what happened to you in Mongoumba
14 in that time. Is that acceptable to you?

15 A. Yes, I agree.

16 Q. Madam, you said that you don't recall the exact day you arrived in Mongoumba
17 because you didn't know there would be an event. Please tell us what event you are
18 talking about.

19 A. I was referring to what happened to us on 5 March. You see, in Mongoumba, on 5
20 March, in the morning, very early in the morning, while people were still in bed I heard
21 voices yelling. (Redacted) I heard voices, somewhat far
22 off, from a neighbourhood called the Sango neighbourhood. People were calling out
23 there. They were saying, "Flee, flee, the soldiers are coming. Flee, flee." People began
24 to take flight, and the cries came out, "It's the Banyamulengue coming, flee, flee." I woke
25 up, (Redacted)

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1 (Redacted)
2 (Redacted)
3 (Redacted) I stayed in the bedroom, and I
4 was arranging the clothing. I was trying to tidy up the various possessions and the
5 house a bit but I was afraid. I was about to go out, to run away. I wanted to look to the
6 side and I saw soldiers, many soldiers coming towards me. Three of them separated
7 from the main group and headed towards me. I wanted to close the door and they made
8 a gesture towards me, to stop, and they made gestures, hand gestures, saying to stop and
9 so I stopped and I left the door.
10 Once they got there, they told me to open the door. * I opened the door and they pushed,
11 they banged on the door and told me to go in. Really, we only communicated by way of
12 gestures. Three of them, the three of them came into the bedroom (Redacted). There
13 were four rooms in the house. They went into the visitors' bedroom and they went
14 through the four rooms. I stayed in the living room with a piece of cloth around my
15 waist. One of them, who was tall, taller than the others, gestured at me, telling me to lie
16 down on the floor.

17 Q. Madam Witness, please take your time.

18 PRESIDING JUDGE STEINER: If I may. Madam, do you need a break or you feel
19 comfortable to continue? It's your choice.

20 THE WITNESS: (Interpretation) I would prefer for us to rest a bit.

21 PRESIDING JUDGE STEINER: We are going to suspend the hearing. We are very close
22 to the break time, so don't worry, take your time. We are going to resume at 11.30. You
23 can take some rest. Madam, we'll be back in 40 minutes. I ask, please, court officer, to
24 turn into closed session in order for the witness to be taken outside the courtroom. In the
25 meantime, we are going to suspend and resume at 11.30.

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- 1 *(Closed session at 10.50 a.m.) Reclassified as Open session
- 2 THE COURT OFFICER: We are in closed session, Madam President.
- 3 (The witness stands down)
- 4 THE COURT OFFICER: All rise.
- 5 (Recess taken at 10.51 a.m.)
- 6 *(Upon resuming in closed session at 11.36 a.m.) Reclassified as Open session
- 7 THE COURT USHER: All rise. Please be seated.
- 8 PRESIDING JUDGE STEINER: So welcome back. Please, court usher, could you please
- 9 bring the witness in.
- 10 (The witness enters the courtroom)
- 11 PRESIDING JUDGE STEINER: Could we go into public session, please.
- 12 (Open session at 11.37 a.m.)
- 13 THE COURT OFFICER: We are in open session, Madam President.
- 14 PRESIDING JUDGE STEINER: Thank you. Madam Witness, welcome back.
- 15 THE WITNESS: (No interpretation)
- 16 PRESIDING JUDGE STEINER: Madam, are you receiving interpretation?
- 17 THE WITNESS: (No interpretation)
- 18 PRESIDING JUDGE STEINER: I think there is some problem with interpretation. The
- 19 witness is not listening. Can you hear me now?
- 20 THE WITNESS: (Interpretation) I can hear you.
- 21 PRESIDING JUDGE STEINER: So I said welcome back.
- 22 THE WITNESS: (Interpretation) Thank you, your Honour.
- 23 PRESIDING JUDGE STEINER: Did you manage to rest a little bit?
- 24 THE WITNESS: (Interpretation) Yes, I was able to rest.
- 25 PRESIDING JUDGE STEINER: Do you feel able to continue giving your testimony?

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1 THE WITNESS: (Interpretation) Yes, I can continue with my testimony, your Honour.

2 PRESIDING JUDGE STEINER: Just to remind you that if you need a break for any
3 reason, please just let me know. I'm giving the floor to Ms Carl from the Prosecution.
4 She will continue questioning you. Ms Carl.

5 MS CARL: Thank you, Madam President.

6 Q. Madam Witness, thank you for sharing your experience with us. I propose that
7 step-by-step I will go through this with you with what happened on that 5 March 2003.
8 Before the break, you told us that on 5 March you heard voices yelling and that was very
9 early in the morning. Could you explain to us what you mean with "very early in the
10 morning"?

11 A. Thank you very much. It was not for no reason that I was speaking about very
12 early in the morning because for us Central Africans, towards 5 o'clock in the morning,
13 when somebody visits you, you are very concerned, and on that day if I spoke about very
14 early in the morning I wanted to speak about 4.30 to 5.

15 Q. How did you know it was about 4.30 or 5?

16 A. I knew that because our house had no ceiling. You could see light, or daylight,
17 through the roofing, and on that particular day you had the fishermen going to the river
18 in order to throw our their nets and it was they who got this information, or rather pull in
19 their nets, and it was they who got this information.

20 Q. Which information did they get?

21 A. The information came from the river. They met these people and they came back
22 to us and they were shouting "Flee, flee, flee" and when these three men came to us, my
23 father and my sister had already left and we went to follow them. I was closing the door
24 and one of them, who was large, made a hand gesture to me, and when he made this
25 gesture I understood that he wanted to ask me not to leave. And I stood up, or I stayed

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1 on my feet. He came up to me and he asked me to open the door. I opened the door
2 and I entered and they entered behind me, and they started by looking into all the rooms,
3 and I was in the living room and the three also were with me in the living room and the
4 largest made a gesture to me to lie on the ground and when he asked me to lie on the
5 ground I was standing up. I didn't want to obey these men. They asked me to lie down
6 on the ground. I said nothing and I made it look as though I didn't understand what was
7 being said to me.

8 All of a sudden, he kicked me and I fell onto the ground, and the largest of them ripped
9 off my cloth that I had. He didn't touch the shirt that I had, but he just took off the banya,
10 the cloth that I had attached to me or wrap. He also ripped off my underwear and I
11 wanted to get up, but I was faced with a man who was stronger than me.

12 He pushed my legs apart and started to penetrate me. It hurt. I felt the pain. I cried,
13 but they just carried on as if they had heard nothing. They continued to sleep with me
14 and the two others who were standing up were speaking in their language. I didn't
15 understand what they were saying, and after having ejaculated he got up. He wasn't
16 totally undressed. He had just dropped or undid his flies and slept with me and having
17 ejaculated he got up and then he closed his fly again, and it was only afterwards that the
18 second threw himself on me and started to sleep with me. I was crying, but they didn't
19 care, and then the others were speaking in their language that I didn't understand and I
20 didn't understand what they were saying between them.

21 The second slept with me and after got back up and he also closed his fly, and the third
22 also threw himself on me to sleep with me and thereafter got up and when he wanted to
23 get dressed again there was an explosion. It was the first explosion and after that
24 explosion he was afraid and they left, and after they left I stayed in the house.

25 I was crying with very hot tears, and a voice was saying, "Well, if I continue crying the

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1 others are going to come. They are going to find me in the house and they are going to
2 do the same thing to me." I had to get up and I brushed away the liquid from their
3 bodies that was running between my legs. I got back up and I took my wrap. I
4 attached it to myself and I made efforts in order to close the door again.
5 After this explosion, we had learnt that a girl who was in the neighbourhood had been
6 killed and they were numerous and they were in a group. They had taken over the
7 whole town. I made an effort to go into the bush whilst crying. Some people could
8 think that I was crying because of these events, because they didn't know what had
9 happened to me.
10 I asked the question to other persons to see where my father was. Had they seen my
11 father somewhere? I was trying to find him everywhere. There were a lot of people
12 and we were going into the bush and during this time there was a second explosion.
13 There was a gunshot and after this gunshot we heard that a Muslim called (Redacted)
14 had been killed and a bit of time afterwards, some time afterwards, we heard other
15 explosions of heavy weapons and during this time we also continued in the forest in order
16 to take refuge.
17 There were not a lot of people in the town, because everybody preferred to take refuge in
18 the forest and it was they who had taken over the whole town. My father and myself, we
19 stayed for a long time in the forest and we thought, well, we can't stay for a long time in
20 the forest. We have to make an effort to get to the sand by the -- or the river bank,
21 because it was the month of March. And this was a dry season and there was some sand
22 (Redacted). There were a lot of people who were on the beach and there we
23 heard that such-and-such other people had been killed, but we do not know
24 what -- everything that happened.
25 We didn't know that they had broken down the door. All the population took refuge in

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1 the bush and in the village they took over the whole town. When, as they made progress,
2 they were knocking down the doors, they were going into the houses and they were
3 taking everything.
4 People followed everything that was happening on RFI, that the Banyamulengue had
5 pillaged houses. I can speak to you about our house. When I left, I made sure that I
6 closed -- locked our house, but they broke down the door and they entered the house and
7 they opened the case of my father and my mother and they threw articles, clothing,
8 everywhere in the house.
9 For example, you would have something here, something there, and I found the house in
10 total disorder. The population was still afraid, but I took the decision to go back to the
11 town to see what had happened and, when I came back, I saw that they had taken pots
12 and pans, foam mattresses. The house was completely emptied.
13 I made efforts, but I was afraid. I made efforts to try and go round the house and I
14 noticed a banya, a wrap, which belonged to my mother and I took the birth certificates
15 that my father had kept in his suitcase. They ripped things up, they threw them
16 everywhere. I took these things and I put them into the suitcase (Redacted).
17 I cannot explain everything that happened to my father. I would prefer to stay silent. I
18 prefer to stay silent. Three days afterwards a vehicle came from Bangui and during this
19 time they had the time to smash the shops and the market. They took everything and
20 put it on a canoe and when this vehicle arrived I took my father, and I asked my great
21 sister to get my parents to leave Bangui and to evacuate them to (Microphone not
22 activated) because my father could not deal with everything that had happened, so I
23 asked my elder sister to evacuate my parents from Bangui where my eldest were.
24 And when there was a lull, I went to find a carpenter to help us repair the door which had
25 been broken down and that was how the carpenter came and the carpenters repaired the

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1 door and that is everything that I can tell you. If you have any other questions to put to
2 me, then these questions are of course welcome. I'm able to answer you.

3 Q. Thank you, Madam Witness. You explained what happened that day and the
4 following day and you provided us with a clear idea of what happened to you and your
5 family. However, I would like to ask some follow-up questions to have some
6 clarifications on the several points of your story. Is that fine for you, madam?

7 A. Yes, I agree.

8 Q. Thank you. Let me take you back to the moment when the fishermen were at the
9 river. What happened then?

10 A. The fishermen were not yet at the river, because there are two periods. In the
11 evening they go to the river and they put out their nets and they put them where they
12 think that it will be useful for them to do so, so they spend the night at home and the next
13 day they withdraw their nets, they pull them out of the water, to see if they have caught
14 fish in them. I didn't say that they were at the river. They were at their homes and it
15 was when they went to the river that they saw the troops and it was then that they started
16 shouting in order to alert the population thereof.

17 Q. Which troops did they see?

18 A. They were the Banyamulengue who I have already spoken to you about.

19 Q. Which direction did the Banyamulengue come from?

20 A. The Banyamulengue came from Libenge, which is on the other side of the river.
21 They came by canoe and we don't know if they arrived at 2 or 3 in the morning, but what
22 we do know is that they invaded in the morning and they crossed with a canoe, a pirogue,
23 in order to go to Mongoumba.

24 Q. You said before that you heard voices yelling "Flee, flee, the soldiers are coming."

25 Who was calling this?

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1 A. It was the fishermen who had gone down to pull in their nets who had started
2 shouting. It was they who met the troops next to the road, because they intended to go
3 and get their nets and they came across a lot of soldiers next to the river and they came
4 back shouting "Flee, flee," to the population.

5 Q. Why would they call -- why would they yell "Flee, flee" when seeing soldiers?

6 A. But why should they call that if they weren't afraid? If the authorities send soldiers
7 for the security of the population, they're not going to come in the morning before
8 invading with a view to invading the population. They came very early in the morning.
9 They were next to the river; and the fishermen, they were very afraid when they saw
10 them.

11 Q. Did the fishermen see these soldiers before? I apologise, Madam Witness. Maybe
12 my question was not clear. Before that day of 5 March, did the fishermen see these
13 Banyamulengue?

14 A. I think I said in my statement -- I think I said such a thing, but if I had to go back to
15 that statement that would have taken a lot of time. A few days before the 5th, there were
16 events in Mongoumba. I don't know whether you agree whether I can give you a
17 description of the events.

18 Q. Madam, you are free to provide us with any information that you consider
19 necessary and we are interested in knowing what you remember what happened that day.
20 Do you understand?

21 A. Yes, I understand. I believe that I said that what happened was on 5 March, but
22 four or five days before that we were in the neighbourhood and it was one afternoon we
23 heard people saying that the Banyamulengue were withdrawing. We were told that they
24 had got to the port and, you know, at the port there is a detachment of soldiers. During
25 the events, during the conflicts, since 1992 -- 6, correction, there have been soldiers there.

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1 So they left Bangui; they arrived in Mongoumba, in large canoes with various goods.
 2 When they got to the port, the soldiers told them to unload all these various goods and
 3 then they were going to check them. I wasn't present, I didn't see this, but I did hear that
 4 a lot of money; bags of money. So the soldiers, our soldiers, relieved the Banyamulengue
 5 of that money. The Banyamulengue asked for the money back and the soldiers refused
 6 to give it back.
 7 I don't know what was said between them, just the people knew that the Banyamulengue
 8 had said to the soldiers, "You refused to give us our things back. We are going to go, but
 9 we are going to come back." That was four or five days before their arrival.
 10 What our soldiers did with that money, I don't know. Did they put the money there?
 11 Did they give it to the public treasury, I don't know, but I know that we had to pay the
 12 price, so to speak, for the Banyamulengue. If they hadn't taken the money from the
 13 Banyamulengue, we would not have experienced what we suffered.
 14 So the Banyamulengue promised that they would come back. The people said, "Well,
 15 that isn't our business." They only had to come back and ask the soldiers to give them
 16 their money back, so that is how it came to be that they arrived on the 5th. There were
 17 many of them. I don't know whether they asked for reinforcements, because on the day
 18 of the check, when they were checking, there were not a lot of them. But on the 5th, the
 19 5 March, there were many of them and they went through the entire town. They came in
 20 the morning, they tied up their boats and the fishermen saw them and sounded the alarm.
 21 That is why the population began to flee each and every way.

22 Q. Madam, you mentioned the national soldiers and that there was a detachment in
 23 Mongoumba since 1996. How do you know this?

24 A. I know that because Mongoumba is my town; I was born there. I grew up there
 25 and I studied there. It is true that I live in Bangui, but I often go to Mongoumba because

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1 my parents are old and I frequently go there. At the time of the events, because
2 Mongoumba is located on the border, the border with another country, so there is a
3 detachment there -- detachments, and they regularly -- well, even right now there is a
4 military detachment in Mongoumba. The soldiers replace one another from time to time.

5 Q. And in February and March 2003, do you know how many national soldiers were
6 stationed in Mongoumba?

7 A. I wasn't in a position to know how many, because I wasn't sent there. Only the
8 army could say how many soldiers were there, 10 or 15 or 20. I don't know; I wasn't
9 collaborating with them. I would see soldiers go by, and we might say "hello" to one
10 another, but I couldn't tell you exactly how many there were.

11 Q. How were these soldiers dressed?

12 A. We know the uniforms of the soldiers of our country. Sometimes they would wear
13 khaki-coloured uniforms; other times they would wear army green combat fatigues. I
14 recognised the soldiers of our country because they used to wear red berets.

15 Q. You said you would greet the national soldiers on the street. What language did
16 these soldiers speak?

17 A. The soldiers of the national army speak Sango - they're Central African people - and
18 it was the army headquarters that sent them there to protect the people. They spoke
19 Sango; they did not speak another language. Perhaps if you spoke to them in French,
20 fine, but they -- they and I would speak in Sango.

21 Q. Could you tell us what the name of the national army is, madam?

22 A. I don't know; I'm not a soldier. All I know is that there are soldiers at * Camp
23 Kasai. I'm not a soldier, so I don't really know. I do know I recognise the soldiers
24 when I see them in the street. When they go by, well, I know that they are soldiers.

25 Q. Do you also know what kind of weapons they have?

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1 A. I have a question for you: Do you want to know what type of soldier? What type
2 of soldier are you asking me about?

3 Q. I'm asking you about the soldiers you were referring to as "national soldiers" that
4 were stationed in Mongoumba in February and March 2003, the red berets, how you
5 called them.

6 A. I believe that when they're posted there, each one --

7 THE INTERPRETER: Inaudible.

8 THE WITNESS: (Interpretation) In their barracks, they do not walk around in the
9 neighbourhood with their weapon. They don't have weapons when they are walking
10 around in the neighbourhood. I don't know what kind of weapons they had. At that
11 time, there was no conflict going on in Mongoumba so I don't know what kind of
12 weapons they had. I never saw them bearing arms.

13 MS CARL:

14 Q. How was the behaviour of these national soldiers towards the civilian population in
15 Mongoumba?

16 A. When the soldiers were posted to Mongoumba, they did not commit any acts of
17 violence or abuse against the civilian population. They did not mistreat the population.
18 They did not commit any crimes. They ensured the safety of the population.

19 Q. And how do you know this, Madam Witness? Did you experience that yourself?

20 A. Yes, I'm telling you this because I was a witness. But with regard to the events that
21 occurred four or five days before the date we were talking about, I did not see that
22 with -- I did not see those events with my own eyes, because people were saying, amongst
23 the population, that the Banyamulengue had promised to come back. So I'm telling you
24 about the events that occurred on the 5th; the events that I experienced myself.

25 Q. On that 5 March, Madam Witness, you said that the fishermen were yelling "Flee,

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1 the soldiers are coming" and you said that there was a large group of soldiers coming to
2 your house. Can you give us an estimate how many soldiers were approaching your
3 house?

4 A. I said that there were many soldiers. They came from the Sango neighbourhood.
5 They reached the centre of town and then got to the camp fonctionnaire. I saw three of
6 them. They were amongst a group of other soldiers. The other ones went down
7 various alleys. The ones that I saw were the three that came to my home. The others
8 who were moving ahead, well, you see, I was inside the house and so I couldn't estimate
9 the number. I recognised that the three who slept with me, I only recognised those three.
10 The others did not touch me.

11 Q. The three men that insulted you at your house, Madam Witness, did they carry
12 anything with them?

13 A. They didn't have anything in their hands. Were they regular soldiers? I'm not so
14 sure of that. Otherwise, they would have kept their weapons and they would have
15 ensured the security. Certainly they enrolled men at Tandala (phon), Ngebe (phon) and
16 many other villages to come and humiliate us. They weren't regular soldiers.

17 Q. Can you describe the physical appearance of these three men?

18 A. I said that amongst the three men, the one who gestured, the one who slept with me
19 first, was taller. The other two were of average size. The first one who slept with me
20 was tall.

21 Q. Madam, before I ask you questions on how these people slept with you, I would like
22 to clarify two points: Firstly, when these men made gestures, could you describe this
23 gesture to us?

24 A. When I went out of the house, I had the key to the house in my hand and I was
25 locking up the house. I was locking the door, but I don't know exactly how I realised.

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1 Q. What did you do when the man gestured, Madam Witness?

2 A. A few moments ago I said it wasn't all three of them, just the tallest one. The tallest
3 one made a gesture. As I was leaving the house, I was in the process of leaving, I was
4 going backwards. I wanted to close and lock the door and, when I turned around, I saw
5 three men who were walking towards me. They were coming towards me. The others
6 were in the neighbourhood, but just three of them were coming towards me, and when I
7 tried to lock the door the tallest one gestured and if someone makes such a gesture it's to
8 ask you to stop. So he made this sign to me and I was afraid, and so I -- I stood and they
9 continued to move towards me. When they got there, they asked me to open up the door.
10 I hadn't quite locked it, and so I had to open the door and they went in after me.

11 Q. Did you try to run away at any point, Madam Witness?

12 A. I did not flee. When they made this gesture I was afraid, but a poor woman like me,
13 how could I run faster than those three men? I was afraid. If I had dared to run away,
14 they would have caught up with me and hurt me. After they made that gesture, I
15 obeyed them. I remained standing and they came towards me.

16 Q. You said that you re-entered the house and the three men also entered the house.
17 Before the break you told us that they were going through the four bedrooms in the house
18 and you were staying in the living room. What happened next?

19 A. When they went into the bedrooms, I was standing up in the living room. They
20 went into the bedroom of my father and they opened up his trunk as well as the trunk of
21 my mother. They went into my room, then they went into the other bedroom, and they
22 went into a room that was used as a -- for storage to hold odds and ends of things and
23 then they went back to me and I was in the living room.

24 Q. You told us before that the tallest of these three men was the first one to sleep with
25 you. What do you mean when you say he slept with you?

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1 A. Well, if a man -- correction, if a woman says that a man has slept with her, it's to give
2 you to understand that he undressed me and penetrated me. That is what I'm telling
3 you.

4 Q. Which part of his body penetrated you, Madam Witness?

5 A. Well, how does a man sleep with a woman? He uses his penis to penetrate the
6 woman. That is how it usually happens.

7 PRESIDING JUDGE STEINER: Ms Carl, is this answer given by the witness enough for
8 the Prosecution?

9 MS CARL: Madam President, I think in light of the Chamber's previous rulings to
10 establish the physical element of the rape, I think I can move on.

11 PRESIDING JUDGE STEINER: Maître Liriss, would you agree that we don't need to go
12 into further details in order to have the physical element of the crime as already said by
13 the witness?

14 MR LIRISS: (Interpretation) The Defence agrees, your Honour. And, yes, just the
15 physical description, not the act itself; the existence of the act. I thank you.

16 PRESIDING JUDGE STEINER: Now I am confused, Maître Liriss. Are we talking
17 about giving, as said by the witness, that there has been sexual intercourse with
18 penetration; is that correct?

19 MR LIRISS: (Interpretation) That's correct, your Honour.

20 PRESIDING JUDGE STEINER: Thank you very much. Ms Carl.

21 MS CARL: Madam President, may I briefly confer with my colleagues, please? Thank
22 you. Madam President, with your leave, I would like to establish one further detail for
23 this part and then I can be faster for the rest of the testimony. Thank you.

24 PRESIDING JUDGE STEINER: Just following you, Ms Carl, the recommendations of
25 VWU, in order not to force the witness to answer to very embarrassing or intrusive

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1 questions, so maybe the way you phrase your questions would help.

2 MS CARL: Of course, Madam President.

3 Q. Madam Witness, it is not my intention to make you feel uncomfortable. I have just
4 one further question on this part of the story. Which part of your body did this first man
5 penetrate?

6 A. You've already asked me that question and I think I have replied. I am a woman.
7 How does a man sleep with a woman? The man uses his body to penetrate the female
8 part of the woman. Do you want me to give the specific name?

9 Q. No, madam, this is fine. Thank you very much. What position were you in while
10 the man was sleeping with you?

11 A. I've told you that, when he gestured at me and told -- for me to go down on the
12 ground, I wanted to resist. He kicked me and I fell down, so I was on my back and I was
13 looking upwards. My neck and my back were on the ground and at that time I was
14 looking upwards.

15 Q. Could you see what the other two men were doing while the first man slept with
16 you?

17 A. While the first one was sleeping with me, the others were standing and they were
18 watching. He spoke to them, but I didn't understand, because I didn't understand their
19 language, and I don't know what he was saying to them was. Were they telling him to
20 do it quickly, I don't know; but they were speaking to him as he was sleeping with me.

21 Q. You said before that after the first man slept with you the second man came. Did
22 he do the same as the first -- that the first man did?

23 A. Indeed, they all did the same thing. The first got up, he closed his fly, and the
24 second undid his flies and he started to sleep with me. I didn't have the time to clean
25 myself. I was unhappy. I was in the same position.

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1 Q. Did you feel like, at any point, you could leave?

2 A. Well, I was crying. I didn't think that I was going to come here. I thought I was
3 going to die, because it was difficult to deal with. I didn't expect to have sexual relations
4 with such men, and it wasn't just one. The first came; and the second, he threw himself
5 on me; and then another one as well. I was very hard to take. Fortunately, God was
6 with me.

7 Q. Thank you, madam. You mentioned that while the first one was sleeping with you
8 the others were talking to him. When the second and the third were sleeping with you,
9 were they talking to each other as well?

10 A. Yes, yes, they were speaking amongst themselves. The first who got up spoke to
11 the third one, whilst the second was sleeping with me, but I couldn't understand what
12 they were saying.

13 Q. You didn't understand the language they were speaking, but did these words sound
14 familiar to you anyway, without understanding the particular meaning?

15 A. No, it wasn't familiar to me at all.

16 Q. What did you think about these men? What do you -- what did you think where
17 they were from?

18 A. As far as I know, these men were part of the Banyamulengue group which had come
19 from Libenge.

20 Q. Could you explain to us again why you thought they came from Libenge?

21 A. Why did I say they came from Libenge? Well, because when they came for the first
22 time and they took everything, we knew that they were going to Libenge. Nobody can
23 leave Zongo and carry out operations in Mongoumba and come back. They certainly
24 had crossed over to come to Mongoumba from Libenge. They had come to Mongoumba
25 to commit atrocities; this is what I know.

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1 Q. Could you describe to us again in more detail how these three men were dressed?

2 A. These three men were wearing military uniform. And when they crossed to the
3 Central African Republic, they were given military uniform. What I didn't see were
4 berets, insignia, levels, rangers. Others had flip-flops, had sports shoes. I said they
5 were dressed in military uniform.

6 Q. You mentioned before that when the third man was sleeping with you, you heard an
7 explosion. Could you give us more details on this, please?

8 A. When I said that -- well, it wasn't when he was on me that there was this explosion,
9 but it was when he got up and when he was closing his fly that there was this explosion.

10 Q. What happened next, Madam Witness?

11 A. After this explosion, they left running. I was still inside the house, so I am not able
12 to say what direction they took. I was crying; I was very concerned. At a particular
13 time, I thought, well, if I stay inside the house, others can come to make me undergo the
14 same acts; so I, therefore, got up and took some cloth and I cleaned myself. I was crying,
15 and I closed the door and I took refuge in the bush.

16 Q. Do you know where this explosion came from?

17 A. Well, I said that they were coming from the neighbourhood; it was when a woman
18 had been killed and it wasn't very far from our house.

19 Q. How do you know a woman had been killed?

20 A. Well, when somebody dies, everybody knows. She had been publicly killed.
21 I don't know what the problem was. She was -- she was killed, everybody knew that.
22 She was buried.

23 Q. Do you know how she was killed?

24 A. I don't know how she was killed. What I do know is that she had been killed.

25 Q. Do you know who killed her?

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1 A. I don't know. I don't know who killed her. All I know is that the person who
2 killed her was in the group of the Banyamulengue, but the person as such is not
3 somebody who I knew.

4 Q. You said that after they had left you fled to the bush. Do you remember what time
5 of day it was?

6 A. I think that, well, you couldn't know what time it was. You could put it at some
7 time in the morning, before 8 o'clock. They arrived at 5 o'clock, because it was at that
8 time that we heard the shouts and I think that it was at that time. You know,
9 Mongoumba is not a large town, but on the time in which I took refuge in the bush, that's
10 something, well, I didn't -- I can't tell you that time, because I wasn't wearing a watch at
11 the time.

12 Q. Did you feel like you were in a condition to flee into the bush, madam?

13 A. Even if we were not in a condition to be able to flee, you couldn't do anything else.
14 I thought, well, it would have been worse if I had stayed in the house. It's true that they
15 slept with me, but they didn't break my bones, so I made the effort to take refuge in the
16 bush. I couldn't stay in that house.

17 Q. Where did you flee to, Madam Witness?

18 A. I said that I took refuge in the bush, the road that goes to the field, and it was on that
19 road that a lot of people had left from and I took that road which went to the fields.

20 Q. Did you go to a specific location?

21 A. I took refuge in the bush and I went to the -- or my mother's farm, my mother's
22 fields, and in the meantime I was able to say to my elder sister to accompany my parents
23 to their farm and I therefore took the path towards this farm and I found them there on
24 our farm.

25 Q. You said that there were many people on that path and you asked them for your

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1 father. Can you describe these people?

2 A. Well, who were these people? It was the population of Mongoumba who took
3 refuge, given everything that had happened. There were men, there were women, there
4 were elderly persons. Everybody was trying to take refuge, so I asked the question to
5 some of these people, "Have you seen my father?" and they said "Yes, we saw your father.
6 Your father, your mother, and your elder sister was helping your father. They were on
7 the path which went to the other farm." I didn't ask that from foreigners, or strangers.

8 Q. Do you know where all these people went to?

9 A. They were all trying to take refuge in the bush because, given the direction taken by
10 the Banyamulengue to invade the town, nobody could dare to go in the direction of the
11 river. Everybody, therefore, tried to take refuge in the bush.

12 Q. When you arrived at the farm, how long did you stay there in the bush?

13 A. Well, I said that we didn't spend the night on the farm because the forest of
14 Mongoumba is very big and, given that we didn't have the beds, we left and we went to
15 (Redacted). This is the name of the locality where we went. (Redacted)
16 and it was there that we spent the night. We didn't spend the night in the forest.

17 Q. How far is (Redacted) from Mongoumba?

18 A. The distance of Mongoumba from (Redacted)
19 (Redacted)
20 (Redacted).

21 Q. How long did it take you to get there?

22 A. I think I said to you that in all these events I couldn't estimate a length of time. I
23 didn't have a watch on me and, when you suffer such an event, I think one hour might
24 seem ten hours. We walked, we walked and walked, and my father had no strength and
25 we had to walk slowly before reaching this locality, but I can't estimate that in terms of the

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1 precise time because I didn't have a watch.

2 Q. That is perfectly fine, Madam Witness. Can you describe how the atmosphere and
3 situation in (Redacted) was?

4 A. When we arrived (Redacted), in fact we weren't the first. There were already
5 other persons. There were lots of people on (Redacted). Everybody was in groups, in
6 families, but there was a lot of concern.

7 MS CARL: Madam President, I have finished this part and with your leave we might go
8 into the break maybe? I see it's five minutes left.

9 PRESIDING JUDGE STEINER: I think it's fine with the Bench. Madam Witness, we are
10 going to suspend again our hearing. Now it's time for a lunch break, so you'll have
11 time to have lunch, to take some rest and as well our interpreters, court reporters, the
12 parties and participants will have such time. We'll be back at 2.30. Court officer, please
13 turn into closed session for the witness to be taken outside the courtroom. In the
14 meantime, we are going to suspend and resume at 2.30.

15 *(Closed session at 12.54 p.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 (Luncheon recess taken at 12.55 p.m.)

20 *(Upon resuming in closed session at 2.34 p.m.) Reclassified as Open session

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

22 PRESIDING JUDGE STEINER: Welcome back. Let's resume our session and, for that
23 purpose, I ask please, court usher, to bring the witness in.

24 (The witness enters the courtroom)

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

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1 (Open session at 2.36 p.m.)

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

3 PRESIDING JUDGE STEINER: Thank you. Good afternoon, madam.

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

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

6 THE WITNESS: (Interpretation) Yes, I had lunch and I rested a little bit before
7 returning here.

8 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?

9 THE WITNESS: (Interpretation) Yes, I agree, I am ready to answer your questions.

10 PRESIDING JUDGE STEINER: Thank you very much. Ms Carl, you have the floor.

11 MS CARL: Thank you, Madam President.

12 Q. Welcome back, Madam Witness. I have few follow-up questions. Sorry for
13 interrupting.

14 A. Thank you.

15 Q. I have a few follow-up questions for you to clarify what you told us before the break
16 this morning. Madam, what language is spoken in Libenge?

17 A. The population of Libenge speak Lingala, just as those of us on our side in Bangui
18 speak Sango. So to summarise, in Libenge, people speak Lingala; and in Bangui, we
19 speak Sango.

20 Q. The three men that assaulted you in your house, did they speak Sango?

21 A. They did not speak Sango.

22 Q. Did they speak French?

23 A. They were not speaking in French either because if they had spoken in French I
24 would have understood.

25 Q. Which language did they speak, madam?

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1 A. They were speaking a language that I do not know because, if they had been
2 speaking Lingala, I would have been able to pick up a few words because, in Mongoumba,
3 there are some people who understand Lingala. So the language they were speaking
4 was probably not Lingala; it was very likely their own dialect.

5 Q. Thank you, madam. I would like you to give us one clarification in regards to what
6 the three men did to you. You told us this morning that the first man was sleeping with
7 you and the second man did the same. Did the third man the same as the first and the
8 second man did?

9 A. I told you that all three of them did the same thing. The first man slept with me, he
10 stood up and then the second one came and slept with me, he stood up also and then the
11 third one came and slept with me before fleeing after the gunshot.

12 Q. I have one last question in relation to the incident in your house. In relation to the
13 first man that was sleeping with you, who -- you said that he ejaculated in you. Did all
14 three men do this, madam?

15 A. All of them ejaculated in me.

16 Q. You mentioned to the Court that they were national soldiers, the red berets
17 stationed in Mongoumba. What did these national soldiers do when the Banyamulengue
18 crossed over from Libenge?

19 A. When the Banyamulengue arrived in Mongoumba, we did not have enough of our
20 country soldiers there. Four days after their arrival, that is -- they took money from those
21 Banyamulengue and then they returned to Bangui. So I was wondering whether they
22 declared that money that they had taken to the authorities. Those who came from
23 Bangui went back to Bangui, and those who stayed in Mongoumba could not resist the
24 strength of the enemy and that is why they fled into the forest.

25 Q. That day of 5 March 2003 before you fled into the bush, did you see any other troops

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1 apart from the Banyamulengue?

2 A. I did not observe any other armed group.

3 Q. While (Redacted), you said - and, for the record, this is the transcript of
4 today, page 29, lines 1 to 6 of the English version - that the Banyamulengue were taking
5 over the city, and you said they were taking everything. How do you know?

6 A. (Redacted), we subsequently returned to Mongoumba and, upon our
7 return, we realised that some of the doors were open and the houses no longer contained
8 anything. Everyone was complaining. Some were complaining about the
9 disappearance of their mattresses; others complained about the disappearance of their
10 kitchen utensils. Everyone was complaining. Everyone was sad.

11 Q. Before you returned to Mongoumba and while you were still staying (Redacted),
12 did you find out what was going on in Mongoumba?

13 A. When that incident took place on the 5th, we fled into the forest. Later on, we went
14 to the sand beach, and it was at that time that they were looting the property. Then they
15 stored away all those belongings in the canoes to carry them away. There were small
16 children who were helping them to transport those goods. That is how we got to know.

17 Q. Who told you that they were transporting goods in canoes to the other side?

18 A. It was the boys who were still in the village, who were referred to in French as
19 émissaires or emissaries. When incidents happened, they would flee but from time to
20 time they would return to the village. They were the ones who helped transport the
21 looted goods. Everyone in Mongoumba knew that it was those boys who assisted them
22 in transporting those goods.

23 Q. Where were these boys from?

24 A. These boys were all from Mongoumba; they did not come from anywhere else.

25 MS CARL: Madam President, may I please request private session for some questions I

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1 would like to ask?

2 PRESIDING JUDGE STEINER: Court officer, please.

3 *(Private session at 2.49 p.m.) Reclassified as Open session

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

5 MS CARL: Thank you, Madam President.

6 Q. Madam, are you a member of any victim organisation?

7 A. Yes, I am a member of a victims' organisation. I am a member of an NGO.

8 Q. What is the name of this NGO?

9 A. The NGO to which I belong is known as OCODEFAD.

10 Q. Could you tell us what OCODEFAD means?

11 A. OCODEFAD is an abbreviation which means Organisation for Compassion and the
12 Development of Distressed Families.

13 Q. What is the objective and the purpose of OCODEFAD?

14 A. The founder of that NGO set it up after the events perpetrated by the
15 Banyamulengue. When she was with her husband in PK22, that husband was shot dead
16 by the Banyamulengues. She subsequently set up that NGO and called us up and
17 appealed to us to become members.

18 Q. And when did you become a member, madam?

19 A. I joined that organisation in 2004.

20 Q. Do you hold any specific position within OCODEFAD?

21 A. I am just a floor member of that organisation.

22 MS CARL: Thank you. Madam President, we may move into open session, please.

23 PRESIDING JUDGE STEINER: Court officer, please turn into open session.

24 (Open session at 2.53 p.m.)

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

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1 MS CARL:

2 Q. Did you tell your story, what happened to you in March 2003, to OCODEFAD?

3 A. Yes, I told OCODEFAD my story.

4 Q. When did you tell them your story?

5 A. It was after I joined the organisation. The founder asked me some questions, and I
6 explained to her what had happened to me.

7 Q. Did you attend any meetings with OCODEFAD?

8 A. Yes, I attended several (Redacted)

9 (Redacted), in order to meet with other
10 women or female victims.

11 Q. Madam Witness, may I please remind you to be careful not to reveal information
12 that might identify you when I'm also asking the next question: Did OCODEFAD advise
13 you in any way how to tell or present your story?

14 A. No. We exchanged a lot of information on what had happened to us, and how to
15 behave and how to tell other people about it.

16 Q. Did anyone from OCODEFAD prepare you for the interviews with the investigators
17 of the Office of the Prosecutor?

18 A. No, I did not receive any advice from OCODEFAD to that effect. As you know,
19 when civil servants come from Bangui they advise us on how to behave and how to tell
20 our stories, and that is how I -- that is my way of presenting it.

21 Q. For your testimony today, madam, did anyone rehearse with you?

22 A. As you know, when the ICC officers came to Bangui to interview us, they told us
23 how to behave when or if we arrive here.

24 Q. In your previous answer, you mentioned "civil servants from Bangui." Could you
25 please explain who you mean with this?

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1 A. Can you kindly repeat what I said? Are you talking about the officers from Bangui
2 or from Mongoumba? Please clarify, and kindly remind me of what I said.

3 Q. Madam Witness, let me read to you this passage of the transcript. My question to
4 you was: "Did anyone from OCODEFAD prepare you for the interviews with the
5 investigators of the Office of the Prosecutor?" And you replied, "No, I did not receive
6 any advice from OCODEFAD to that effect." Then you said, "As you know, when civil
7 servants come from Bangui they advise us on how to behave and how to tell our story."

8 PRESIDING JUDGE STEINER: Maître Liriss?

9 MR LIRISS: (Interpretation) Ma'am, I think it's clear, if we look at line 15, page 56, the
10 witness said, "You know, when the officials come from The Hague, they give us advice on
11 how to tell our story, when they come from The Hague and go to Bangui," not that they
12 come from Bangui, unless there's some kind of contradiction between the English and
13 French versions.

14 PRESIDING JUDGE STEINER: Ms Carl, could you quote, please, the part of the
15 statement that you are mentioning? Maybe there is a difference between the French and
16 the English transcript, because in the English version it's quite clear, "No, I did not receive
17 any advice from OCODEFAD to that effect. As you know, when civil servants come
18 from Bangui they advise us on how to behave." This is what we have, it's line 19 to 21.
19 So I will allow the Prosecution to continue and we will check both versions of the
20 transcripts to see which one reflects what the witness said.

21 Please, Maître Liriss.

22 MR LIRISS: (Interpretation) I beg your pardon, your Honour. I don't want to force
23 your hand. Might it not be a good idea to ask the witness to clarify, for once and for all?
24 Thank you.

25 PRESIDING JUDGE STEINER: I keep my request to the Prosecution, to quote the

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1 excerpt. Maître Kneuer.

2 MS KNEUER: Madam President, it appears to me that the two questions that the
3 Prosecution addressed are mixed up. I think my learned colleague is correct, if he
4 considers the second question that my colleague asked. So I don't think it's a
5 contradiction between the two transcripts; it's rather a mix-up between the two questions.
6 However, my colleague will certainly clarify both questions and both answers.

7 PRESIDING JUDGE STEINER: We much appreciate it. Ms Carl.

8 MS CARL: Madam President.

9 Q. Madam Witness, there was something that we clarified relating to the transcript.
10 You asked me to clarify what I was referring to, and I read to you the question that I put
11 to you in relation to the investigators from the Office of the Prosecutor. Let me, please,
12 for the reference, the transcript, this is page 54 on the English version, line 17 to line 22.
13 Madam Witness, let me please put this question to you again.
14 When I asked you if the investigators prepared you for the interviews with the Office of
15 the Prosecutor, you said, "You know, when civil servants come from Bangui they advise
16 us on how to behave and how to tell our stories, and that is how I -- that is my way of
17 presenting it."

18 Could you please explain to us who you are referring to when you say "civil servants
19 coming from Bangui"?

20 A. I didn't talk about officials coming from Bangui. Perhaps there was a
21 misunderstanding. I said that when the people come from here. I don't know the
22 investigators. All the ones who came from here and went there to Bangui and met with
23 us, they gave us advice on how to speak properly when we got here. Everything that we
24 did had to be confidential; even amongst us members of OCODEFAD, we had to observe
25 confidentiality. So I wasn't in a position to know what the other members were doing,

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1 and so everything was done in a confidential way. We were not supposed to tell the
2 others what had happened. So that's the kind of advice that we received.

3 Q. Did anyone try to influence you to add facts to your story or not to mention parts of
4 your story?

5 A. Well, if I agree to come here and give testimony, who could have pushed me to hide
6 some of the information? I came here to tell the truth. I came here to tell people what I
7 had seen. If I had seen nothing, I would say that I'd seen nothing. I came here
8 voluntarily, to tell the Court what I saw and what I heard.

9 THE INTERPRETER: Correction, what I experienced and what I saw.

10 MS CARL:

11 Q. Madam Witness, as a result of what happened to you, have you received any
12 assistance?

13 A. I received no assistance after what I experienced. I just went to the hospital and I
14 had the medical tests done. Now I'm getting treatment, but I did not receive any amount
15 of money or any other material good.

16 Q. Did you receive any immaterial support and assistance?

17 A. What are you talking about right now? What are you talking about when you talk
18 about non-material assistance?

19 Q. I mean, for example, support in the form of psychological help.

20 A. Only -- I only met with the psychologist, who came from here. There's no structure
21 or mechanism in Bangui to provide psychologists to give advice. No, I only received
22 advice from the people who came from here and the investigators from here. I did not
23 receive any counselling or advice from a * psychologist in Bangui.

24 Q. Madam, the last topic I would like to address is the impact of the rapes. I would
25 like you to tell the Judges how you felt. Is this fine for you?

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1 A. After what I experienced, for a while I stayed in Mongoumba and then I went back
2 to Bangui. In Bangui, I wasn't feeling well. I was always sad. I was no longer like
3 before. I thought I was done with. So after seven, eight, nine months I began to feel
4 fevers. I had one fever after another. I had malaria several times, and so I decided
5 myself to go see a doctor.
6 I said to the doctor that I didn't feel very well anymore, and my -- and this doctor said,
7 well, what are you suffering from? And I said, well, I had had malaria. And he asked
8 me what kind of medications I was taking, and I said that I was in the habit of taking
9 medication or, if it persisted, I would take * medications by IV. I didn't say to the doctor
10 that I had been raped.
11 The doctor advised me to go get the medical testing, to see about the malaria, and after
12 that he sent me for many medical tests. He didn't ask -- he didn't ask to see my
13 blood-work. I, myself, asked the doctor. I said I wanted to have an HIV test, and he
14 asked me why I wanted to have that test? And I said to him, well, since I don't feel well,
15 I don't feel well, I was getting malaria one time after another, so I wanted to do the AIDS
16 test.
17 After he observed me for a long time, he asked me how I was going to behave if the
18 results were positive? I told him that, well, that way I would know how to protect
19 myself, because AIDS is a disease like any other one. A person might have cancer, AIDS,
20 diabetes, but I wanted to have a clear idea about my blood work so that I could protect
21 myself. So he ordered the testing. I went to the Pasteur Institute to have all the tests
22 done.
23 After that, after they took the samples, the doctor asked me to go see my personal doctor
24 in ten days to get the results.
25 I went back home and I stayed there for ten days and then, after that, I went to see my

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1 doctor at the hospital and he drew out my envelope. There were many envelopes in
2 front of him. He took out my envelope, and he opened the envelope. He looked at me,
3 I looked at him and he read out the contents. I knew, inside I knew that the results were
4 going to be positive, considering the way I was suffering and I was getting all these
5 illnesses.

6 So I said to the doctor, "Doctor, tell me the truth." And he asked me, "The truth about
7 what?" And I said to him, "The truth about my AIDS test." And after looking at me, he
8 said, "Well, if I tell you that the result is positive or negative, what are you going to do?"
9 And I said to him, I was not going to do anything.

10 He touched me, he patted me and he said that the results were positive, so I was HIV
11 positive. And I said to him, "Okay, doctor, that's all I wanted to know. I didn't tell him
12 that I had been raped by several people. I got that -- I gave him to understand that I got
13 it from ordinary sex.

14 Then, afterwards, I went back home and I was in my bedroom, calm, and my mother
15 came from Mongoumba, to Bangui. I didn't want someone to -- I didn't want anyone to
16 know about this, so I didn't want my mother to know about the results. I didn't even talk
17 about it to my mother or to any member of my family. I took the results, and I took it in
18 a sporting manner.

19 After my mother went, came back to Mongoumba, I called my older one, my nephew, and
20 the wife of my oldest one, and I told them that I had had the HIV test and that the result
21 was positive. My stepmother began to cry. And I said, "Well, listen, now that I know
22 what my status is, I have to be careful about my health."

23 When I went to OCODEFAD to ask to become a member, I went with my medical results
24 and I informed the person at OCODEFAD that I had had an HIV test and that the results
25 were positive. So that person advised me to make a copy of the results - or the

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1 report - and to bring it to that person. I started to get treatment. I started with Bactrim
2 for eight months, and I was losing more and more weight. Since the year 2004, I've been
3 receiving treatment up until now.

4 Q. When you found out that you were HIV positive, you said you didn't want anyone
5 to know. How did you feel when you found out?

6 A. Myself, already I was well-prepared for that since (Redacted)
7 (Redacted)

8 (Redacted) So how should I put this? I was -- well, I gave advice to young
9 women. In actual fact, I was already well-prepared even before I went to see the doctor
10 and I was expecting the results.

11 So that is how it came to be that I was able to say to the doctor, "Listen, AIDS is a disease
12 like any other one. Some people suffer from heart attacks or cancers, but they survive,"
13 and so that is why I'm still here with this disease up until the current time, up until now.

14 Q. Why were you expecting these results?

15 A. I didn't say that just for nothing, about what happened to me. When you're raped
16 by three men that you have never met before, men that aren't even worthwhile men, who
17 used no protection, no condom, how could I identify the person who infected me? Might
18 it have been the first one, the second one or the third?

19 If it were the first one, certainly the two others would also be infected'; but if it was the
20 second one who infected me, that means that the first one escaped being infected. You
21 see, it's a sad incident. The test that I had, I was already prepared, even before I went to
22 get the test, so I took the results like a trooper.

23 Q. When you went to the doctor to be tested after you suffered malaria several times,
24 you told us shortly before that you didn't tell the doctor that you were raped. Why
25 didn't you tell him?

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- 1 A. I didn't want to reveal that secret since -- you see, it's shameful, a lady like me, to
2 talk about such a thing. It's very shameful, so I didn't want to talk to the doctor about it.
3 However, I did talk to the (Redacted) about it. I wasn't
4 the one. I didn't decide to speak to her about it.
- 5 Q. Did you tell your family members or someone from your community about it?
- 6 A. In my family, some people are unaware of this. I talked to my eldest one, his wife
7 as well. She's informed of that. They have several children, but I was able to tell the
8 secret to just one of them.
- 9 Q. You said that you are taking medication to treat the HIV, to treat it. Are you facing
10 any troubles with your treatment?
- 11 A. When I began receiving treatment, I wasn't having any particular troubles. I've
12 been getting the treatment normally. I regularly go to the centre to get medications.
13 What I wanted to say was sometimes inventories are low and recently I haven't been able
14 to get medication. For all of January, I did not receive any medications.
15 Then after that, I had many headaches. Was it because I was thinking about that a lot?
16 I don't know. You see, that medication, once you start to take it, you mustn't ever stop
17 treatment. You have to take it on a daily basis, until you leave this world, and thanks to
18 the Lord I have been able to resume the treatment.
- 19 Q. Thank you, madam. May I briefly go back to your family? How did the pillaging
20 of your parents' house affect your family?
- 21 A. We are not the only victims of this situation. Many people suffered such things. I
22 had an elder brother who was in Europe -- but, you see, my mother is a woman who has
23 worked a great deal with people in agriculture, and she was able to get money to buy
24 clothing. Then, after that, she lost all of that, and this is an incident that occurred in the
25 family and we can't do anything about it.

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1 Q. Was your family ever compensated for what was taken away from them?

2 A. Well, since we suffered those assaults, or those attacks, perhaps after the trial we can
3 expect reparations. But, you see, my family members can only receive some things from
4 me. We have received nothing.

5 Q. Was any item of what was taken away ever returned to your family?

6 A. Nothing was given back. If those goods were to be returned, well, it wouldn't be
7 just to my family on the father's side, it would be for the whole population of Mongoumba.
8 Up until now, no one has received anything. Even the people whose foam mattresses
9 were stolen and who had to sleep on mats, we've received nothing. Those victims are
10 already dead. Some are still alive and they still live in sadness.

11 Q. Madam, I would like to clarify something you said this morning, and I refer to page
12 37, lines 11 to 19 of the English transcript. When I ask you if the three men that assaulted
13 you in your house were carrying anything, you said that they didn't carry weapons. In
14 your statement that you gave to the investigators of the Prosecutor, and this is ERN
15 CAR-OTP-0010-0022, on page 0045, and this is the French version, when the investigator
16 asked you in French (speaks French - no interpretation) you answered (speaks French)
17 "Yes, they had guns."

18 A. Yes, but the weapons that you're talking about, it was the soldiers who were
19 carrying the weapons. It was not all the soldiers who crossed the river who had
20 weapons but those who came into my house, some of them had weapons because, when
21 we went into the forest, we could hear gunshots. That is why I know that they had
22 weapons.

23 Q. Madam, for us to be clear: These three men, did they have weapons?

24 A. I have told you that the three of them who raped me, that is the tallest one, and the
25 other two, those three were not carrying any weapons.

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- 1 MS CARL: Madam President, may I briefly confer with my colleagues? Thank you.
- 2 JUDGE ALUOCH: Madam Witness, Madam Witness, may I have your attention, please.
- 3 Yes. Thank you. I have a follow-up question from your statement to the investigators.
- 4 This is CAR -- this is the English translation, CAR-OTP-0052-0067. This is an answer you
- 5 gave to a question, and I just want you to confirm. It says, this is what you said as
- 6 translated, "To sleep together for a man and woman is something that's done in private.
- 7 It's something that's done secretly but in this case I was taken by force. I was thrown to
- 8 the ground and they did that thing with me." Do you confirm, please, that this is true,
- 9 that these three men took you by force? That's all I want you to confirm; is that correct?
- 10 THE WITNESS: (Interpretation) I confirm that. I did not give them my consent. I
- 11 was not prepared to have sexual intercourse very early in the morning. They arrived
- 12 and they searched the house and the tallest one signalled to me to lie down, and I did not
- 13 know why so I stayed up and he kicked me, so that I fell down, and he pulled off my
- 14 pants, so that means they forced me to sleep with me.
- 15 JUDGE ALUOCH: Thank you. Thank you.
- 16 PRESIDING JUDGE STEINER: Ms Carl.
- 17 MS CARL:
- 18 Q. Madam Witness, I have a final question for you: Do you agree that your previous
- 19 statement that you provided to the OTP investigators, in April 2008, be admitted into
- 20 evidence?
- 21 A. Yes, I agree.
- 22 MS CARL: Thank you very much for your answers, Madam Witness. Madam
- 23 President, your Honours, this concludes the examination-in-chief of the Prosecution.
- 24 PRESIDING JUDGE STEINER: Thank you. Thank you, Ms Carl. Madam Witness,
- 25 now, the legal representatives of victims, including your legal representative, are going to

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1 put you some questions. Is that fine with you?

2 THE WITNESS: (Interpretation) Yes, I agree.

3 PRESIDING JUDGE STEINER: Maître Zarambaud.

4 MR ZARAMBAUD: (Interpretation) Thank you, your Honour.

5 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

6 Q. Good afternoon, Madam Witness.

7 A. Good afternoon, counsel.

8 Q. I had the opportunity to get to know you during the familiarisation exercise. I told
9 you then, and I confirm now, that I am Mr Zarambaud Assingambi, lawyer in the Central
10 African Bar and together with my colleague, Maître Douzima, the Court designated us as
11 the legal representatives of victims. As I have told you before, you had the opportunity
12 to witness trials in Bangui, but there is not that dual capacity as witness and victim at the
13 same time but today, it is in your capacity as such that I intended to ask you some
14 questions, but a great majority of those questions have already been asked by the
15 Prosecutor and, therefore, I am not going to repeat just -- those questions just for the sake
16 of doing so. In document CAR-OTP-0010-0031, you stated you stated that when you saw
17 the Banyamulengues advancing you tried to flee but they told you, and I quote, "Stop
18 right there and do not move. Go back into the house." In which language were they
19 speaking?

20 A. Thank you, counsel. I have told you here that when I was coming out of the house
21 I was walking backwards. I was locking the door twice, and I saw the three men
22 advancing towards me. They signalled to me to stop. I told you that they made a hand
23 signal. They did not speak as I am speaking to you. I stopped. They approached me.
24 They asked me to open the door. I opened it. I went inside and they followed me into
25 the house. They did not speak like I'm speaking to you now. They made hand signals

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1 to me.

2 Q. Were those Banyamulengues dressed in military uniform or in civilian clothing?

3 A. I have already stated here that they were wearing military uniform.

4 Q. Thank you. Madam Witness, were there any insignia on those uniforms that
5 would indicate their rank or membership of any special armed forces?

6 A. I have already said here that if those people were true soldiers, real soldiers sent to
7 the Central African Republic, maybe they would have worn military uniforms with
8 stripes, with berets and insignia. I said that they only had military uniforms, without
9 any military boots. Did you ever see any soldiers going on the field wearing slippers or
10 running shoes? I wondered whether those people were soldiers or just individuals who
11 had been picked up in the streets.

12 Q. Madam Witness, I believe that the questions I intended to ask you have already been
13 asked. That is the goods that were looted from your house and where they were taken to.
14 You have already answered those questions as asked to you by the OTP. As a result,
15 Madam President, I have no further questions and I thank the witness for having kindly
16 answered my questions.

17 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud. Maître Douzima, you
18 have the floor.

19 MS DOUZIMA-LAWSON: (Interpretation) Thank you, Madam President. Your
20 Honour, in your decision of this morning, you asked me to rephrase my first two
21 questions. I will not need to rephrase those questions because they have already been
22 put to the witness by the Prosecution, and the witness has already answered those
23 questions. So I will simply move on to the other questions.

24 QUESTIONED BY MS DOUZIMA-LAWSON: (Interpretation)

25 Q. Good afternoon, Madam Witness.

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1 A. Good afternoon, counsel.

2 Q. Madam Witness, our role in these proceedings has already been explained to you
3 here. Mr Zarambaud, who was just questioned you, and myself are here to represent the
4 views and concerns of the victims before the Court and that is why we requested leave to
5 question you, in order to seek clarification relating to your statements to the investigators,
6 as well as to your testimony before this Trial Chamber. Do you understand me?

7 A. Yes, I understand you perfectly well.

8 Q. Thank you. Madam Witness, I will be brief because I have realised that you are
9 quite concise and clear in your answers. What I would like to know is this: In your
10 statements to the investigators in 2008, page CAR-OTP-0010-0031, when you stated that
11 there were many of them, while referring to the Banyamulengue who arrived in
12 Mongoumba, you also said that only three of them came into the house after you, or
13 behind you, to quote your own statement. Do you mean by that that there were several
14 of them at your place but that only three of them entered your house, or do you mean that
15 there were many of them who invaded Mongoumba town?

16 A. I have already said here that there were many of them. What I meant was that
17 there were many of them who invaded Mongoumba town, and they were everywhere,
18 but those who approached me, who came into the house after me, were three in number.
19 That was my testimony.

20 Q. Thank you very much. That was the clarification I wanted you to give to the
21 Chamber. Then, on page CAR-OTP-0010-0044, and I'm still referring here to your
22 statement to the investigators, while describing the Banyamulengues, you said that they
23 were young people. In your opinion, what would be the age bracket of those
24 Banyamulengues, considering that you said that they were young?

25 MR LIRISS: (Interpretation) Your Honour, the Defence would like to know what is the

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1 relevance of that question, given that we are not talking about child soldiers?

2 PRESIDING JUDGE STEINER: Could you please, Maître Douzima, clarify the reasons
3 for asking this kind of question.

4 MS DOUZIMA-LAWSON: (Interpretation) Your Honour, I am fully aware that we are
5 not talking about child soldiers here. But my intention is simply to have an idea of how
6 old those people were, those people who committed the crimes. I am not at all relating
7 this issue to child soldiers, and I believe such questions have already been asked several
8 times during these proceedings.

9 PRESIDING JUDGE STEINER: I will allow the question. Maître Liriss, there is no
10 prejudice to the Defence, so, Maître Douzima, you can proceed.

11 MS DOUZIMA-LAWSON: (Interpretation) Thank you, Madam President.

12 Q. Madam Witness, let me repeat my question. On the page that I indicated a short
13 while ago, you described your attackers as young people. Can you give us
14 approximately the age bracket that you were referring to here?

15 A. I referred to them as young people because they were younger than myself. In
16 2003, I was (Redacted) those people who raped me were not 40 years old yet.
17 They were in their 30s. I did not see any one of them who was relatively mature. That
18 is in relation to (Redacted). That is why I referred to them as young.

19 Q. Thank you, Madam Witness. I would like to ask you a question on one other thing
20 that you said about the Banyamulengues. You said that they also slept with old people,
21 and the reference is CAR-OTP-0010-0052. You said that they also slept with elderly
22 people, that is old women, old men, people of the village. My question to you is this:
23 How did you come to know about that?

24 A. Maybe we did not quite understand ourselves the last time. I told them that when
25 we came back (Redacted) we heard that they had also raped other girls. They told us

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1 about a girl. They even told us our name, and I know her. It was not up to me to come
2 and talk about her case. I did not talk about old women and old men. Maybe we did
3 not understand each other very well when they were noting down my statement. But
4 everyone in Mongoumba was aware that young girls had been raped. At that time (Redacted)
5 (Redacted) than the other rape victims.

6 Q. Thank you, Madam Witness. I was asking that question because earlier on you
7 said that you had heard about the rapes of two young girls, and I did not understand the
8 fact that you would have said they also raped elderly people. Now, moving on to
9 another question, and I'm referring here to your answer to one of the Prosecutor's
10 questions here, and I'm referring to the real-time transcript, French version of course, page
11 64, from line 12. In answer to the question as to how you received the results of your
12 blood test, amongst other things you said that you (Redacted)
13 HIV-AIDS. My question to you is this: What had motivated you before that (Redacted)
14 (Redacted)?

15 A. I did not (Redacted) for nothing. As you know, in the church, I was
16 already working with young people. We organised debates or discussions on that issue,
17 and whenever there are activities (Redacted), that is people talking about the fight against
18 AIDS, (Redacted), and they would -- I would come back and inform the
19 young people in my church, so I was already morally prepared because I was already
20 dealing with (Redacted). I had already (Redacted)
21 (Redacted). I had also (Redacted).

22 Q. Thank you, madam. To enlighten the Court, can you tell us what is (Redacted)?

23 A. The (Redacted) in Bangui is the (Redacted).

24 Q. Thank you. And I will now move on to my last question, which is as follows:

25 When the doctor announced the results of your blood test to you, did he give you any

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1 advice?

2 A. Yes, he gave me a lot of advice, after giving me my results, yes. I confirm that he
3 gave me some advice which I followed. He told me to immediately start taking
4 medicines, and I regularly went to get my drugs.

5 MS DOUZIMA-LAWSON: (Interpretation) Thank you, Madam Witness, for having
6 kindly answered my questions. Your answers were sufficiently clear, and that is the end
7 of the questions that I intended to ask the witness. Thank you, your Honour.

8 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima.

9 Madam Witness, we are going now to suspend for today this hearing. You can have a
10 long, long rest. We are going to continue tomorrow morning. Tomorrow morning,
11 Defence will start questioning you, so we wish you a very restful night and thank you
12 very much for your cooperation today, the whole day. Probably you are tired, so we will
13 continue tomorrow morning.

14 I'm asking, please, the court officer to turn into closed session for the witness to be taken
15 outside the courtroom. First, I would like to thank very much the Prosecution team, the
16 legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba Gombo. I
17 would like to thank our interpreters and court reporters, and to declare that this hearing is
18 adjourned, and that we'll resume tomorrow at 9.30
19 in the morning in this courtroom.

20 This session is adjourned.

21 *(Closed session at 3.58 p.m.) Reclassified as Open session

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

23 (The witness stands down)

24 THE COURT OFFICER: All rise.

25 (The hearing ends at 3.59 p.m.)

26 14.03.2011

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1 CORRECTIONS REPORT

2 The Court Interpretation and Translation Section has made the following corrections:

3 * Page 15 line 5 "(Redacted)" is corrected by "(Redacted)

4 (Redacted)"

5 * Page 18 lines 10-11 "I opened the door and they pushed the door, the knob of the

6 door and they came in and" is corrected by "I opened the door and they pushed, they

7 banged on the door and told me to go in."

8 * Page 27 lines 22-23 "Kalkasai" is corrected by "Camp Kasai"

9 * Page 45 line 23 "psychiatrist" is corrected by "psychologist"

10 * Page 46 line 9 "profusions" is corrected by "medications by IV"

11 RECLASSIFICATION REPORT

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

13 2012, and the instructions in the email dated 3 October 2013, the version of the

14 transcript with its redactions becomes Public.

15