

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Situation: Central African Republic

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

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

6 Judge Kuniko Ozaki

7 Trial Hearing

8 Tuesday, 18 January 2011

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

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

11 Please be seated.

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

13 in open session.

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

15 case.

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

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

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

19 PRESIDING JUDGE STEINER: Thank you very much. I welcome the Prosecution

20 team, the legal representatives of victims, the representative of OPCV that is alone

21 today, the Defence team and, of course, Mr Jean-Pierre Bemba Gombo, our

22 interpreters, court reporters.

23 So we are going to continue with the questioning of Witness 68 and therefore I ask,

24 please, court officer to turn briefly into closed session in order to allow the witness to

25 be brought into the courtroom.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 *(Closed session at 9.38 a.m.) Reclassified as Open session

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

3 (The witness enters the courtroom)

4 PRESIDING JUDGE STEINER: Court officer, we can turn into open session, please.

5 (Open session at 9.39 a.m.)

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

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

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

9 PRESIDING JUDGE STEINER: Did you manage to rest well overnight?

10 THE WITNESS: (Interpretation) Yes, I managed to well -- I managed to rest well.

11 PRESIDING JUDGE STEINER: So are you ready to continue with giving your

12 testimony before this Court today?

13 THE WITNESS: (Interpretation) Yes, I am available.

14 PRESIDING JUDGE STEINER: Thank you. Madam Witness, I would like to

15 remind you that you are under protective measures, so your image and your voice are

16 not transmitted to the public. I also would like to remind you that you are still

17 under oath. Do you understand that, Madam Witness?

18 THE WITNESS: (Interpretation) Yes.

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

20 that in case you feel tired, in case you feel distressed or if for any reason you need a

21 break, you can just ask us and you will have a break. Is that fine with you?

22 THE WITNESS: (Interpretation) Yes, I have understood that well.

23 PRESIDING JUDGE STEINER: So then first the Prosecution will continue

24 questioning you, and if we still have time this morning the legal representative of

25 victims will also put some questions to you, Maître Douzima, but we will start with

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 the Prosecution in any case.

2 Madam Kneuer, you have the floor.

3 MS KNEUER: Thank you, Madam President.

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

5 (The witness speaks Sango)

6 QUESTIONED BY MS KNEUER:

7 Q. Good morning, Madam President.

8 A. Thank you. Good morning.

9 Q. I'm glad to hear that you rested well. This morning I would like to discuss
10 with you a few topics, and for each topic I have a couple of questions. Do I have
11 your permission to proceed with my questioning?

12 A. Yes.

13 Q. Yesterday we left off talking about organisations that provided support to you.
14 Are you a member of any organisation?

15 A. The organisation OCODEFAD, at a particular time, carried out a survey on
16 victims and it was this organisation that I joined.

17 Q. When did you join that organisation?

18 A. I no longer remember the date.

19 Q. Did you join that organisation after what happened to you?

20 A. Yes.

21 Q. Are you still a member of that organisation today?

22 A. No.

23 Q. Do you recall when you left OCODEFAD as a member?

24 A. I no longer remember the date. I have forgotten.

25 Q. That's fine, Madam Witness. Can you explain to us what support OCODEFAD

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 provided to you?

2 A. OCODEFAD didn't do anything in particular with me, but this organisation did
3 make proposals to me, proposals that were not kept to. And at a given time other
4 organisations took charge of me, and sometime thereafter they stated that the
5 medicine had been stolen. They also provided me with other materials, and when
6 those who were responsible for carrying out missions they didn't give us a report on
7 that and, as such, I became discouraged.

8 Q. What type of organisation is OCODEFAD?

9 A. This organisation told us that they had carried out a survey to take charge of us
10 particularly in the legal field and also with regards to other aspects that they could do
11 for us, but they didn't provide us with reports. They didn't give us reports on their
12 different activities. They didn't give us reports on the different activities that they
13 carried out.

14 Q. What proposals did OCODEFAD give to you to which you did not keep?

15 A. Some of their proposals -- well, the fact that they asked us to carry out projects,
16 that's what we did, but there was no follow-up to them.

17 Q. What kind of projects did they ask you to carry out?

18 A. They had projects which meant that commercial activities could be financed for
19 us.

20 Q. What kind of commercial activities did they intend to finance?

21 A. We had a project to sell oil and we asked that oil be provided to us, barrels of oil
22 be provided to us.

23 Q. Did you tell your story to OCODEFAD?

24 A. Yes. OCODEFAD asked us for information with regards to these events and
25 we provided OCODEFAD with some information.

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 Q. Did you tell OCODEFAD about your rape and your pillaging?

2 A. Yes. One day the person responsible asked the secretary of our organisation to
3 ask all the victims to state what they had experienced.

4 Q. Can you confirm that you informed OCODEFAD about both crimes, the
5 pillaging and your rape?

6 A. Yes. As I just said, they asked our secretary to ask us with regards to all the
7 acts that we had been subject to. All this information was given and it was noted
8 down.

9 Q. Did you tell OCODEFAD the same story about the events that you told this
10 Court yesterday and today?

11 A. I didn't say anything to them. I just withdrew.

12 Q. I believe, Madam Witness, we have -- there is a miscommunication, but it's
13 entirely my fault, so I will phrase my question differently. Did OCODEFAD assist
14 you to file any complaint in relation to your story?

15 A. As I said, this organisation asked us to do this and that, and we did it. They
16 didn't ask us to carry out judicial proceedings. If not, that's -- we did what they
17 asked us to do in order to help us.

18 Q. Did OCODEFAD advise you in any way on how to tell or present your story?

19 A. No. For myself as well, I don't know. After all that it did, it informed us that
20 one day white persons would be interested in us and they would call upon us. And,
21 indeed, I received these calls and I started to be interviewed and it was thereafter that
22 I learnt that these were judicial staff.

23 Q. Thank you, Madam Witness. The story that you told us here in Court, is that
24 the same story you told to OCODEFAD?

25 A. I didn't say that to OCODEFAD. When I met with the judicial staff, I told them

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 everything, and it was to that team that I stated that I had already stopped because
2 there were steps that were being taken but we weren't getting any report on them. I
3 would like to state that it was just to this judicial team that I made the statement and
4 thereafter I didn't participate in the different meetings of that organisation.

5 Q. Thank you, Madam Witness. What do you mean by "judicial staff"?

6 A. I was pleased, because I saw after all these events it was now that I was
7 managing to achieve something, or coming to a happy end, when I saw this team.

8 Q. Madam Witness, I understand that you provided your statement to a team and
9 to judicial staff. Without providing names, can you refer to the organisation to
10 whom that judicial staff belonged?

11 A. It was the team of the person and so the supervisor of whom you are speaking
12 now. That means the team from the Office of the Prosecutor, but I don't know really
13 what I can say.

14 Q. Thank you, Madam Witness, for that clarification. One last question with
15 regards to that theme, Madam Witness. Yesterday you mentioned that you received
16 training by an organisation called (Redacted). Did you receive any other kind of support
17 from that organisation?

18 A. No, after that training I had a three-month training period (Redacted); the
19 (Redacted). After that, all the NGOs offering training were suspended.
20 They were asked to stop training people in the (Redacted).

21 MS KNEUER: Madam President, may we move, please, briefly into private session
22 to elicit some names from the witness?

23 PRESIDING JUDGE STEINER: Court officer, please, turn briefly into private
24 session.

25 *(Private session at 10.05 a.m.) Reclassified as Open session

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

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

2 PRESIDING JUDGE STEINER: Madam Witness, we are in private session, which

3 means that you can speak freely because the public cannot listen to what you say.

4 You understand?

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

6 MS KNEUER:

7 Q. Madam Witness, what is the name of (Redacted) who was killed by the

8 Banyamulengue in (Redacted)

9 A. His name was (Redacted)

10 Q. What was his profession?

11 A. He was a mason.

12 Q. What is the name of (Redacted) who you said was raped at the same time

13 as you were?

14 THE INTERPRETER: The interpreter did not hear the beginning of the witness's

15 reply.

16 MS KNEUER:

17 Q. Madam Witness, because I was coughing, most likely the interpreter didn't

18 understand you. Can you please repeat the name?

19 A. Her name is (Redacted).

20 Q. Thank you, Madam Witness. Yesterday you mentioned a chef de quartier, a

21 woman, and I'm referring to the unedited English version, page 45, lines 23 onwards.

22 Do you know her name?

23 A. Her name is Mariame.

24 Q. Madam Witness, do you know by any chance the last name of that witness?

25 Sorry, of that chef de quartier?

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 A. No, I don't know her surname.

2 Q. Do you know where she lives?

3 A. She lives not far from the market. When you leave the market, you go past.

4 Just before you get to the playground, she lives just by there.

5 PRESIDING JUDGE STEINER: Mr Haynes?

6 MR HAYNES: Can I help? There's no dispute as to who this lady is and, if Ms

7 Kneuer wants to put the surname to the witness to see if she remembers it, we don't

8 mind.

9 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. Madam Kneuer.

10 THE INTERPRETER: A message from the interpreters: Could the witness be asked

11 to pause briefly before she gives her reply? Many thanks.

12 PRESIDING JUDGE STEINER: Madam Witness, when the Prosecution asks you a

13 question, please wait a little bit before starting your answer in order to facilitate the

14 work of the interpreter. Do you understand that?

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

16 PRESIDING JUDGE STEINER: Thank you very, very much. Ms Kneuer.

17 MS KNEUER: Thank you, Madam President. Since the identity of the chef de

18 quartier is not in dispute, I will move on and we can go back to public session, please.

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

20 (Open session at 10.11 a.m.)

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

22 PRESIDING JUDGE STEINER: Madam Witness, we are now again in open session,

23 which means that the public can listen to what you say, but I want to remind you that

24 your voice is being distorted so they cannot identify you by your voice. Do you

25 understand that?

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

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

2 MS KNEUER:

3 Q. Madam Witness, I will move on to a new theme. Yesterday you told us about
4 the radio broadcasting and I have a couple of questions with regard to that topic.
5 Did the radio mention anything about the areas or towns in which the fighting took
6 place?

7 A. Which region are you talking about?

8 Q. Madam Witness, yesterday you informed us that you heard news on the radio
9 and that it was through the radio that you attempted to understand what was going
10 on, and I'm referring to the same transcript, page 15, at the top. My question is if the
11 radio reported about towns in which fighting took place in the Central African
12 Republic?

13 A. It was on the 25th. I was inside the house, so I was listening to the radio and
14 everything that was going on was being talked about on the radio. So after hearing
15 that I had to leave, but for the other information I couldn't remember -- I can't
16 remember and tell you about it today.

17 Q. Did the radio report where fighting took place?

18 A. No, no. When those people were close, the radio station informed us and we
19 learned that the rebels were within 200 metres of the presidential residence, but as to
20 the exact location, no, I did not hear that.

21 Q. Did the radio report what, if anything, happened to the civilian population
22 during the events?

23 A. I no longer recall.

24 Q. Madam Witness, can you please confirm for the record that you stayed at your
25 home for two days?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 A. Yes, I stayed in the house for two days, cooped up in the house, and the third
2 day was the 27th. After the shooting, the heavy shelling that made the house shake,
3 I had to leave the house. I had to exit the house.

4 Q. Thank you, Madam Witness. I will move on to the next topic. During the
5 events in 2002 and 2003 in the Central African Republic, did you have a chance to see
6 the Bozizé rebels with your own eyes?

7 A. Yes, I saw them.

8 Q. Can you please describe to us how they were dressed?

9 A. They were wearing civilian clothing, like ordinary people.

10 Q. Were they carrying something?

11 A. No, they were walking around the neighbourhoods, but they didn't have
12 anything in their hands.

13 Q. Did they have weapons?

14 A. No, I didn't see any weapons. They were going about in groups, without
15 saying anything to anyone.

16 Q. Did you ever have the chance to hear them talking?

17 A. No.

18 Q. Madam Witness, the next question may be obvious to you, but please
19 understand that we were not in the Central African Republic at that time and so can
20 you explain to us how you knew that these people were the rebels of Bozizé?

21 A. Well, they were people who came. They walked around throughout the
22 neighbourhood, but they didn't change. They would go around in groups, and as
23 they went around -- and they didn't look like other people so we could identify them,
24 because amongst them there were some Chadian people, so we could identify them
25 that way.

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 Q. Again, my next question may be obvious for you, but it's not for us. How did
2 you know that there were Chadian people among the Bozizé rebels?

3 A. Their various accoutrements were different. They wore turbans, and the
4 soldiers of our country are dressed like Central African people.

5 Q. What was the behaviour of the rebels of Bozizé towards the Central African
6 Republic civilians?

7 A. They did not harm the people. They would -- were going around in groups. I
8 didn't see anything in particular. I didn't see them do anything in particular.

9 Q. Madam Witness, I have a few more questions about describing the groups that
10 were in the Central African Republic during the events. Yesterday you described to
11 us that you met with a group of Banyamulengue outside of the compound and that
12 these Banyamulengue were wearing the clothing of the soldiers of the Central African
13 Army. For the record I'm referring to page 25, lines 3 to 11. Madam Witness, what
14 made you believe that the people in that group were indeed Banyamulengue and not
15 soldiers from the Central African Republic? Do you understand my question?

16 A. Yes, I've understood. When I saw them from a distance, I saw that some of
17 them were wearing uniforms and I said to myself, "Those certainly must be them,"
18 and when I fell into their ambush I saw that as well. I saw the way that they were
19 speaking to me and that is what convinced me that they were different.

20 Q. Were the uniforms that these Banyamulengue were wearing different in any
21 part from the ones that the Central African soldiers were wearing?

22 A. There was no difference. They were the same uniforms as those worn by the
23 FACA, but they wore ordinary shoes and they did not have any hats or headgear.

24 Q. Can you please explain to us what you mean by FACA?

25 A. The FACA are the armed forces of our country.

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 Q. Which language do the soldiers of the FACA speak?

2 A. The soldiers of FACA are Central Africans and when they speak, they speak
3 Sango. If the person knows how to speak French or English, he may do so; he may
4 speak French or English.

5 Q. Which language did the Banyamulengue use?

6 A. They spoke Lingala.

7 Q. Thank you, Madam Witness. I will move on to the next topic, and I have to ask
8 you some clarification questions with regards to your testimony yesterday.

9 Yesterday you stated that when you and your sister-in-law met the Banyamulengue
10 in front of the compound, they told you to stop. For the record, I'm referring to page
11 14, line 12.

12 My question for you, Madam Witness, is which language the Banyamulengue used to
13 tell you to stop.

14 A. They didn't speak. They simply made gestures with their hands.

15 Q. Can you please describe the hand gesture to us?

16 A. They did this. They did this.

17 MS KNEUER: Madam President, I suggest that we somehow record that in the
18 record. Does the Chamber prefer to describe the gesture, or do you want the
19 Prosecution to do it?

20 PRESIDING JUDGE STEINER: You could try it.

21 MS KNEUER: I will make a proposal and perhaps then also Defence and your
22 Honours may indicate if you agree. For the record, the witness used her right arm,
23 stretched it and bended it several times.

24 JUDGE ALUOCH: Ms Kneuer, is it called beckoning? Is that the sign she's making,
25 beckoning?

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 MS KNEUER: Yes, your Honour.

2 MR HAYNES: I'm the only person who can see it, I think, and it seemed a perfectly
3 fair description to me.

4 PRESIDING JUDGE STEINER: So we can proceed.

5 MS KNEUER: Thank you, Madam President.

6 Q. Yesterday you explained to us that after the second Banyamulengue raped you,
7 they made hand gestures towards you. Can you tell us what you understood the
8 hand gestures to mean? Sorry. For the record, I'm referring to page 33, line 20.

9 A. The sign could be interpreted as telling me to go away. They signalled with
10 their hands that look like the signs that people make when they want to get rid of
11 you.

12 Q. Thank you, Madam Witness. Yesterday you stated that you saw a group of
13 Banyamulengue walking towards PK12, carrying foam mattresses and suitcases.
14 How did you know that these people were Banyamulengue?

15 A. Because they wore the same uniforms as those worn by those I had met. Their
16 shoes were different. They didn't wear any headgear, and they were very similar to
17 those who I had met, and they carried belongings on their heads and they had
18 weapons.

19 Q. Did you hear that group of Banyamulengue walking towards PK12 hear -- say
20 anything?

21 A. No, they didn't speak. There were many of them and they walked in single file
22 along the tarmac road. They didn't speak, they were just marching forward.

23 Q. At that time did you see any other group of soldiers?

24 A. On that day, the 27th, I didn't see any other soldiers belonging to a different
25 group, apart from those that I did meet and who I saw again when I was coming back,

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 leaving for PK12. They were leaving for PK12.

2 Q. Thank you, Madam Witness. Madam Witness, yesterday you described to us
3 how the perpetrators were standing on your arms during the rape. And for the
4 record, I'm referring to page 30, lines 16 to 20, and page 32, lines 11 to 15, as well as
5 lines 18 to 20.

6 Madam Witness, the record is not entirely clear. Can you please confirm that the
7 third Banyamulengue, who did not rape you, stood on your arms?

8 A. Both my arms were together and he trod on them.

9 Q. And that person was the third Banyamulengue?

10 A. Yes, he was the one who threatened me with his weapon, but he didn't do
11 anything to me. Otherwise, it was the other ones. After threatening me, he got
12 hold of both my arms, put them side-by-side, and let the two others sleep with me.

13 Q. Thank you for that clarification, Madam Witness. You further stated yesterday
14 that you fainted during the first rape, and I'm referring to page 30, line 6, as well as
15 page 34, lines 1 to 6.

16 What do you mean by "fainting"?

17 A. It was after the threats that I was somewhat troubled.

18 Q. Did you lose your consciousness?

19 A. I could no longer have any awareness of my body. They pointed at me with a
20 weapon and I had already lost consciousness. It was as if I was facing something
21 absolutely awful that could cause people -- cause someone to faint. That's what
22 happened to me.

23 Q. Were you able to recognise what was happening to you?

24 A. Understand what?

25 Q. Was it possible for you to recognise that you were raped twice?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 A. Yes, I realised that these were human beings that were assaulting me. That
2 was at the beginning, when I lost consciousness, and then I could feel the pain of
3 what they were doing to me.

4 Q. Madam Witness, I will move to my final topic and I have a few questions.
5 Madam Witness, how do you feel now when you think about the events?

6 A. Since that day, and still today, I do not feel well at all. Every time I think about
7 that -- that mistreatment I don't feel good at all and, as soon as I see an armed soldier,
8 I feel the same; the same as I felt at the time.

9 PRESIDING JUDGE STEINER: Court officer, please turn into private session and
10 call the psychologist from VWU.

11 *(Private session at 10.47 a.m.) Reclassified as Open session

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

13 PRESIDING JUDGE STEINER: Let's go into closed session, please.

14 *(Closed session at 10.49 a.m.) Reclassified as Open session

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

16 (The witness stands down)

17 PRESIDING JUDGE STEINER: We are going to have a break, our break, anticipate a
18 little bit, in order to give the witness time to recover. We will resume at 11.30 as far
19 as I receive information from VWU that the witness is ready and willing to continue
20 her testimony. So we will resume at 11.30.

21 THE COURT USHER: All rise.

22 (Recess taken at 10.50 a.m.)

23 *(Upon resuming in closed session at 11.41 a.m.) Reclassified as Open session

24 THE COURT USHER: All rise.

25 Please be seated.

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Closed Session)

ICC-01/05-01/08

- 1 PRESIDING JUDGE STEINER: So we are going to resume and call the witness.
- 2 According to information given by the psychologist, she is ready and willing to
- 3 continue giving her testimony before this Court.
- 4 I would like just to remind at this moment the Prosecution and legal representatives
- 5 and later Defence of the recommendations given by VWU in the way the witness is to
- 6 be questioned with open-ended questions, avoiding whenever possible embarrassing
- 7 or intrusive questions; reminding all parties and participants that the testimony is
- 8 being given before a Chamber composed by professional judges, so some details
- 9 maybe are not necessary in order to enlighten the Chamber on all and any element of
- 10 the crimes. And maybe in this way we can avoid, as much as possible, of course, the
- 11 intrusive and embarrassing questions mainly in relation to specially vulnerable
- 12 witnesses.
- 13 So the Chamber thanks very much in advance to the parties and participants and asks
- 14 them to be sensitive to the difficulties that victims like this one
- 15 experienced -- experience when they are giving testimony before this Court.
- 16 So now I am asking, please, the court officer to bring the witness in.
- 17 (The witness enters the courtroom)
- 18 PRESIDING JUDGE STEINER: Welcome back, Madam Witness. Are you feeling
- 19 better?
- 20 THE WITNESS: (Interpretation) Yes, I feel better. We can work.
- 21 PRESIDING JUDGE STEINER: At any time you feel tired, or you want a break,
- 22 please inform us. Feel free to inform the Chamber if you want to stop for a while.
- 23 Is that fine with you, Madam?
- 24 THE WITNESS: (Interpretation) I would like to apologise for what happened a
- 25 few moments ago.

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Closed Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Madam Witness, you don't have to apologise.

2 What happened with you is normal. You are entitled to cry and to say whatever you
3 need to say. The Chamber is here also to listen to you. You have a voice here in
4 this Court and we are here to listen to you. You don't have to apologise you did
5 anything wrong.

6 THE WITNESS: (Interpretation) I have understood. Thank you very much.

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

8 (Open session at 11.48 a.m.)

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

10 PRESIDING JUDGE STEINER: Thank you. Madam Witness, now the Prosecution
11 will continue to ask you some questions. Ms Kneuer.

12 MS KNEUER: Thank you, Madam President.

13 Q. Madam Witness, I do not have any further questions. I would like to thank
14 you for all the answers you provided to us during the course of the last two days and
15 that you shared your story with us. We really appreciate it. Before I close up, is
16 there anything else you wish to add?

17 A. I have nothing to add.

18 MS KNEUER: Thank you, Madam Witness.

19 PRESIDING JUDGE STEINER: Thank you, Ms Kneuer. So I think we can continue
20 with the witness's testimony now being questioned by the legal representative of
21 victims, Maître Douzima. Maître Douzima, you have the floor.

22 MS DOUZIMA-LAWSON: (Interpretation) Thank you very much, your Honour.

23 QUESTIONED BY MS DOUZIMA-LAWSON: (Interpretation)

24 Q. Witness, my name is Maria Douzima-Lawson, I am a counsel and I am the legal
25 representative of victims; that is to say that I present to the Court within the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 framework of these proceedings the views and concerns of victims, people such as
2 yourself, in order to make it possible for the Court to take into account that in the
3 decisions that the Court takes within the framework of these proceedings, and that is
4 the reason why I asked to be able to question you to shed light on certain aspects of
5 your testimony for the attention of the Court.

6 I would like to start by asking you when you learned, or heard by radio, that the
7 Banyamulengue had arrived in Bangui.

8 A. Where it concerns the entry of rebels, I didn't hear that on the radio. It was
9 when they attacked that I started following it like any other person.

10 Q. Here I wanted to speak about the Banyamulengue. You said that you heard by
11 radio that the Banyamulengue --

12 A. I heard on the 27th. With regards to everything that happened, this was
13 spoken about and I heard that they were 200 metres away. Sometime later they
14 came -- I heard that they came to support the President of the Republic. That was on
15 the 27th. Sometime after that, there was a period of calm and I left the house in
16 order to leave.

17 Q. Do you know if the troops of the Presidential Guard of Patassé wore the same
18 uniform as the FACA forces?

19 A. No, I don't have information with regards to the Presidential Guard. I said
20 that I was inside the house and I heard the information on the radio. I also heard
21 shelling. The house was shaking. I don't know anything about the Presidential
22 Guard.

23 Q. Thank you for your answer. In your testimony, or in your statement during
24 the investigation and also in your testimony of yesterday morning, you stated that the
25 Banyamulengue spoke between them in Lingala. If somebody spoke Lingala here,

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 for example, would you recognise that it was Lingala?

2 A. Yes.

3 Q. Thank you. Do you know other people who speak Lingala as well, other than
4 the Banyamulengue, of course?

5 A. No, I don't know others, but I do know some words in Lingala because those
6 who are on the other side of the river did speak that. They came to sell things; they
7 spoke Lingala, and that's how I was able on that day to know that the language that
8 they spoke was indeed Lingala.

9 Q. Thank you. Other than Lingala, were there other features that made it possible
10 for you to identify further the Banyamulengue?

11 A. I didn't understand the question well.

12 Q. I'm going to ask my question in a different way. I'll reformulate it. Through
13 the Lingala language you were able to identify the Banyamulengue. Were there
14 other traits, other things, which made it possible for you to confirm that the people
15 were indeed Banyamulengue?

16 A. But every people has their language. In our country, there are a lot of tribes
17 who speak their language and we can identify each group by the language they
18 speak.

19 Q. Thank you. Why do -- why did you call them "The wicked people"?

20 A. It was because of everything that they did. They were bad things. Everybody
21 said that these people were wicked. Their behaviour is wicked.

22 Q. Thank you for this answer. You stated -- and this is in the transcript of
23 yesterday, page 40, lines 20 and 21 thereof, you stated the following: "With regards
24 to the vaginal swabs, microbes were discovered." What type of microbes were
25 discovered?

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 A. I could not say, but that is what the doctor said that the examination showed
2 that there were bacteria. He didn't give me the name of these bacteria.

3 Q. But did the doctor say that it was following your rape that you had these
4 bacteria?

5 A. It was following the medical examinations, he read out the results and he gave
6 the results of the vaginal swabs and the blood tests. He, therefore, gave an opinion
7 with regard to the medical examination.

8 MS DOUZIMA-LAWSON: (Interpretation) Your Honour, the Prosecution has
9 already asked many of my questions, so I believe I've concluded now. Thank you.

10 PRESIDING JUDGE STEINER: Thank you. Thank you very much,
11 Maître Douzima. I would like to ask whether the Defence wants to start now or
12 prefers to start after the lunch break. We still have some time.

13 MR HAYNES: As long as the witness is comfortable, we'll start now, if that's all
14 right with the Court as well.

15 PRESIDING JUDGE STEINER: Could you please switch off your microphone just
16 for a while. Madam Witness, now counsel for the Defence will start questioning you.
17 Do you feel comfortable?

18 THE WITNESS: (Interpretation) Yes, that's fine by me.

19 PRESIDING JUDGE STEINER: So at any time if you need a break, please inform the
20 Chamber. Mr Haynes, you have the floor.

21 MR HAYNES: Thank you, your Honour.

22 QUESTIONED BY MR HAYNES:

23 Q. Well, Madam Witness, we've got an hour until you have another break, but if
24 you at any stage want to take a break yourself please let me know and I'm sure your
25 wishes will be listened to. I want just to start by asking you about something you've

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 just said to Ms Douzima. At page 23, line 5, you said "I do know some words in
2 Lingala"; is that correct?

3 A. I didn't talk about words in Lingala. I said this: Each people has their own
4 language which is different, so for the people -- in Central Africa, there are several
5 tribes. Let us take the example of Nigerians. When they start talking, we can tell
6 that they are Nigerians because they are Hausas. There is also people from Chad;
7 when we hear them speak their language, when we hear them speak their language
8 we know that they are from Chad. That way one can identify them.

9 Q. So that I understand the position, you did not say that you knew some words in
10 Lingala; is that correct?

11 A. I don't understand Lingala, but their way of speaking when they speak I am
12 able to know what language they are speaking, and so that it is -- that is how I am in a
13 position to identify that language.

14 Q. That's okay, Madam. I just wanted to clear up the transcript, because in
15 English it suggested that you had said you did know some words in Lingala, but in
16 fact you do not, do you?

17 A. No, I don't understand that language at all.

18 Q. To repeat something you said in your interview in 2008, you don't even know
19 one word; is that correct?

20 A. I am saying that, although I don't know how to speak Lingala, I don't
21 understand it, but if someone were to start speaking that language I would know. I
22 would know that it was Lingala that the person was speaking.

23 Q. Well, thank you. We will come back to that. Now, in October 2002 I think
24 you were (Redacted) years old; is that right?

25 A. Unless I'm mistaken, I was (Redacted). In any event, unless I'm mistaken.

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 Q. Very well. And you had then (Redacted)

2 A. Yes, that's right.

3 Q. As you've now told us, you look after rather more children than that. Two of
4 them were the children of a lady who died; is that correct?

5 A. Yes, it is the child of my younger sibling.

6 Q. Thank you. And just so that I'm clear - I think I am - the mother of those
7 children was your sister, not your sister-in-law?

8 A. Yes, she is my sister. She was the fourth in the family. She came after me.

9 Q. Thank you. Now, your sister-in-law I think died about five or six years ago in
10 2005; is that right?

11 A. Yes, she died in the year 2005.

12 Q. Thank you. Now, before the start of the trouble in your country, you lived
13 with your mother, your children and your brothers and sisters; is that right?

14 A. Yes.

15 Q. Before the fighting started, how many people were living in your house?

16 A. In the house where I was living, I was with my mother, my children and my late
17 brother. There were also two other women, and my brother was also there with his
18 wife.

19 Q. So can you do a quick calculation for us as to how many people that was?

20 A. In all, we were 11.

21 Q. Thank you very much for that. Now, when did all of the people apart from
22 you and your sister-in-law leave the house?

23 A. Right from the very beginning of the events. They left on the second day.

24 Q. Do you know what date that was?

25 A. I didn't remember the date. I don't want to lie.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 Q. Yes, that's quite okay. How long had those people lived in that house?

2 A. My mother gave birth to us in that house before she passed away. In contrast,
3 I went away; I went to my husband's home before I came back. And even my sister
4 who died, she was first with her husband before she came back to the family.

5 Q. That's a very nice picture. Where -- where did they go?

6 A. *My mother and the children took refuge at the farm. The boy followed his
7 friends, because when the events began, men were the ones who were the first to go
8 away. However, the women and the children left separately.

9 Q. How far did they all go away?

10 A. Yes, very far away.

11 Q. And did they, if I understand you correctly, go to different places?

12 A. *They didn't go to different places, but they went to farms very far away.

13 Q. Thank you, Madam. And did they take belongings with them?

14 A. They took nothing. They only took what they needed; for example, some food.

15 Q. So did they leave in a hurry?

16 A. It was because it was no longer possible to live in that place. That is why they
17 went away, to take refuge in the forest.

18 Q. How many days before 27 September did -- sorry, 27 October, did they leave?

19 A. They left well before the two days, because things began gradually.

20 Q. So what things occurred that made your mother leave the house she'd lived in
21 all her life and take small children to live in a field?

22 A. Well, bullets were whistling everywhere. I myself decided to stay at the house.
23 I was supposed to go with them.

24 Q. Wasn't it the arrival of Mr Bozizé and his troops that caused them all to run
25 away?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 A. It was in relation to the situation. It was very difficult to live in such a
2 situation. That is why they went away.

3 Q. But, Madam, what was different about the situation in let's say the middle of
4 October 2002 to that which had existed a month before? What happened?

5 A. The difference was, in particular, in terms of the bullets flying around. Some
6 people couldn't deal with it. My younger brother had to urinate, and many people
7 just couldn't bear it. I decided -- if I decided to leave, it's because there were
8 deafening explosions, and the shelling was making the house shake and the ground
9 move, so I had to go away.

10 Q. Were your family the only people who ran away from the area at that time?

11 A. * Many people were fleeing, going through the neighbourhood, and they were
12 leaving heading for PK12. They were taking refuge at their farms.

13 Many people were fleeing. Most people were headed towards PK22. Even those
14 who didn't have farms in that area were going there to take refuge.

15 Q. Thank you. Just dealing with your own family, did they return to the house at
16 any time?

17 A. Yes, after that they came back to the house.

18 Q. Do you know when that was?

19 A. It was when there was a bit of a lull. That is when they came back.

20 Q. In relation to 27 October, the date you've talked about a lot, was it after that
21 date?

22 A. I haven't understood the question.

23 Q. Then that is my fault. Did your family come back to the house after
24 27 October?

25 A. Yes, it was after that date. I said that they came back when there was a bit of a

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 lull.

2 Q. Was it a few days after 27 October, or a longer period?

3 A. I didn't count the number of days to tell you, but what I do know is that they
4 came back once the situation had become calm again. I didn't count the number of
5 days so that I could tell someone how many days it was.

6 Q. I'm sorry, I'm not trying to upset you, but was it a short period of time, or was it
7 many months after 27 October?

8 A. No, it was less than a month after.

9 Q. And when they came back, did that include your (Redacted) children?

10 A. Everyone came back.

11 Q. So you didn't see your children from the moment when everybody left until the
12 moment everybody came back; is that right?

13 A. Yes.

14 Q. Now, I don't want you to be very precise about where you live, but how far is it
15 from the centre of Bangui?

16 A. Yes, it is somewhat away from there.

17 Q. Too far for you to walk?

18 A. Yes, someone could get there on foot.

19 Q. And how long would it take them?

20 A. I didn't walk such a distance in order to be able to assess the distance.

21 Perhaps -- well, I could say (Redacted) probably.

22 Q. That's very helpful. Thank you very much. Now, the two to three days
23 before 27 October, was the fighting outside your house so intense it was unsafe to go
24 outside?

25 A. It was just the sounds of bullets.

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

- 1 Q. But there were two sides fighting in the area; is that right?
- 2 A. I wasn't in a position to know that, but we could hear the bullets whizzing by.
- 3 Q. And shells as well?
- 4 A. Yes. No, the mortar shelling was heard on the 27th.
- 5 Q. And did you stay inside for the whole of those two to three days?
- 6 A. During the first two days you could hear the bullets whistling and the third day,
- 7 the 27th, you could hear mortar shelling.
- 8 Q. Did you go outside at all?
- 9 A. No, I didn't go out. We all stayed shut inside.
- 10 Q. When you say "all," I thought there were only two of you left in the house, or
- 11 have I got it wrong?
- 12 A. Yes, I was talking about us two. I was speaking on behalf of us two when I
- 13 used the word. There were two of us.
- 14 Q. And during the course of the time when you were inside the house, did you see
- 15 any soldiers at all outside?
- 16 A. No.
- 17 Q. Had you seen any soldiers before you had shut yourself in the house?
- 18 A. (No interpretation)
- 19 Q. Just so that we're absolutely clear, could you see any soldiers by looking out of
- 20 the window during the time you were shut up in the house?
- 21 A. But there were bullets firing in all directions. How possibly could I have gone
- 22 out? Everything was shut so that we could be safe.
- 23 Q. Thank you, Madam Witness. Your understanding of what was happening
- 24 outside came from the radio. Did you get any information from anything else other
- 25 than the radio?

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 A. It was after the lull and that people came back that we got more information.

2 They brought more information.

3 Q. Well, can you try and concentrate on the period when you and your
4 sister-in-law were shut up in the house. Were you able to get information over the
5 radio during that period about the situation outside?

6 A. Yes, other things were said, and when events got worse then that was talked
7 about, but not all the time.

8 Q. Okay. Do you remember the first piece of news you heard over the radio
9 whilst you and your sister-in-law were shut inside the house?

10 A. What I heard -- well, you can listen to the radio from 5 o'clock in the morning
11 and you hear the programme for the day coming from that radio. That's when it's
12 announced.

13 Q. Again, my fault, Madam Witness. What I meant was what was the first piece
14 of information you received from the radio about the situation whilst you and your
15 sister-in-law were in the house?

16 A. The first news that I heard on the very first day on the radio, it was announced
17 that these people were 200 metres from the residence of the president. That's the
18 first piece of news. And then later they informed us that the Banyamulengue had
19 come to give their support to the President of the Republic.

20 Q. Thank you. So do you not remember hearing any information about the
21 fighting outside before those two pieces of news?

22 A. That's all that was said, but as for the details, well, they were not provided, but
23 we could hear the bullets flying in all directions.

24 Q. Thank you. And were both of those radio broadcasts on 27 September, as
25 you've told us? I don't know why I've got an obsession with 27 September.

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 27 October.

2 A. It was 27 October.

3 Q. Now, I want you to try and remember. Were there any news broadcasts in
4 Bangui on 25 and 26 October, or was the radio cut off on those days?

5 A. I don't remember.

6 Q. Do you remember hearing any radio broadcast about fighting between
7 Mr Bozizé's troops and the forces of President Patassé before the two reports you
8 have told us about?

9 A. That was at the beginning of the events. We were told that the rebels had
10 attacked the city, and everyone knew that the rebels had attacked, but I don't know
11 who they were fighting.

12 Q. Well, when do you remember hearing that the rebels had attacked the city?

13 A. That was right at the beginning of the events, but I don't remember the date.

14 Q. Were you aware of how long the fighting went on for around the presidential
15 palace?

16 A. The fighting close to the president, well, I couldn't know how much that lasted.
17 I said earlier on that the radio had announced on the 27th that they were 200 metres
18 from the residence of the president. That was on the 27th. But I have no
19 information at all about the soldiers around the president's palace.

20 Q. Very well. Now, you and your sister-in-law decided that you would get away
21 because there was a lull in the fighting. Where were you proposing to go?

22 A. We intended to go to Kilometre 5.

23 Q. And did you see any soldiers in the area of your house before you left on
24 27 September?

25 A. No, I didn't see any soldiers, but there was so much firing that it was intolerable.

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 The house shook, and when I came out of the house I saw bullets on the ground, but I
2 didn't actually see soldiers close to my house.

3 PRESIDING JUDGE STEINER: Ms Kneuer.

4 MS KNEUER: I am very sorry to interrupt my colleague, but Mr Haynes referred to
5 September in line 9.

6 PRESIDING JUDGE STEINER: We do have a problem with 27 September.

7 MR HAYNES: It must be a significant date for me. Does the question need --

8 Q. In my last question, I used the month of September. Did you understand me to
9 be asking you about when you and your sister-in-law left the house on 27 October?

10 THE INTERPRETER: The Sango interpreter didn't hear. The answer is, "No, it
11 wasn't the month of September."

12 MR HAYNES:

13 Q. Okay. Well, to be clear, when you and your sister-in-law left the house on
14 27 October, did you see any soldiers in the streets in your neighbourhood?

15 A. When I left my neighbourhood, I crossed the road to go through a different
16 neighbourhood and I got to another road, and then I left towards Miskine high school
17 and that is -- when I entered that neighbourhood, that is when I saw the soldiers. I
18 saw them wearing uniform and I thought that they were Central African soldiers
19 because they were wearing the uniforms that Central African soldiers wear, but in
20 fact they were soldiers of a different nationality from a different country.

21 Q. So, drawing together all the questions I've asked you so far, were they the first
22 soldiers you had seen since the start of the fighting?

23 A. Yes.

24 Q. And just one more thing on this topic. How far, or how much time have you
25 been walking before you encountered these men?

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 A. I didn't count the time, so I prefer not to say. I wouldn't want to lie.

2 Q. Okay. The other question is, you gave us a time - an approximate time - of
3 when you left the house of between 11 and 12 o'clock. When was the last radio
4 report you had heard that day?

5 A. The information, the news, well, it was just before the news and it was during a
6 lull, around 1 p.m. That's when I left the house.

7 Q. But how long before you left the house had you heard the last news report?

8 A. It was before 1 p.m. and the information related to the ongoing events.

9 Q. I understand that. And if you can't remember, please say so, but you heard
10 two news reports that day: The first telling you about the arrival of the
11 Banyamulengue and the second telling you that they were involved in fighting
12 around the presidential palace. At what time did you hear those two separate news
13 reports on 27 October?

14 A. I didn't talk about fighting. I said that it was said at the time that they came to
15 provide their support to the President of the Republic, but there was no talk of
16 fighting.

17 Q. Well, we may have to come back to that later, but just for the time being, could
18 you tell me how long before you left the house did you hear the second of these two
19 news reports?

20 A. Well, all these news reports came before 1 p.m. Indeed, I would even say
21 before noon.

22 PRESIDING JUDGE STEINER: Sorry, Mr Haynes. Maître Zarambaud.

23 MR ZARAMBAUD: (Interpretation) Thank you, Madam President. I believe that
24 the witness on several occasions has said that what she heard about the arrival of the
25 Banyamulengue was not what she learnt from news reports, but my learned friend

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 insists so that she should say that she doesn't -- says she doesn't remember. So, if
2 Mr Haynes wishes, he could point out exactly where she talked about the two news
3 reports. All she is saying here is that it was before 1 p.m.

4 PRESIDING JUDGE STEINER: So I think, Mr Haynes, it would make it easier if,
5 whenever you refer to something that the witness allegedly said, that you please
6 point out in which part of the transcript, or of her statement, you are referring to.

7 MR HAYNES: Yes. I had been trying to avoid putting passages of the witness's
8 interview into eCourt because of the communication we have received about how she
9 was to be treated as a witness, but for Mr Zarambaud's and the Court's benefit, at
10 CAR-OTP-0020-0390 and CAR-OTP-0020-0389. Those are the two conversations,
11 and I'm going to leave it there with the witness, but doubtless that will help
12 Mr Zarambaud.

13 Q. I'm just going to ask you one more question and then I think we can have a
14 break, with the Court's leave. You took with you some of your own clothes, a radio,
15 some material that you could sew, some new sheets and some food. Is there
16 anything else that you took that you want to tell us about, or is that all of it?

17 A. All I took was my garments, as I already pointed out, my best clothes, and also a
18 radio set and a recorder and some food.

19 MR HAYNES: Thank you, Madam. That's the end of a topic. If that's a
20 convenient moment for the Court, it is for me.

21 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

22 Madam Witness, we are now going to into a longer break in order for you to have
23 lunch and to rest a little bit. We are going to resume at 2.30. We hope you have
24 time to rest a little bit, and we will come back when the Defence will continue
25 questioning you. Is that fine with you, Madam?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 THE WITNESS: (Interpretation) Yes, that suits me.

2 PRESIDING JUDGE STEINER: Thank you. So, we are going to suspend the
3 session. We'll be back at 2.30. Could, please, the court officer turn into closed
4 session in order for the witness to be taken out of the courtroom.

5 *(Closed session at 12.56 p.m.) Reclassified as Open session

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

7 (The witness stands down)

8 THE COURT OFFICER: And just for the record of the case, the document that was
9 mentioned by Mr Haynes, the first page reference is CAR-OTP-0020-0385_R02 and
10 already has reference EVD -- EVD-T-OTP-00012 and it's marked as confidential.

11 Thank you. All rise.

12 (Luncheon recess taken at 12.58 p.m.)

13 *(Upon resuming in closed session at 2.35 p.m.) Reclassified as Open session

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

15 PRESIDING JUDGE STEINER: So good afternoon. Before any delay, let's
16 introduce the witness into the courtroom, please.

17 (The witness enters the courtroom)

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

19 (Open session at 2.36 p.m.)

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

21 PRESIDING JUDGE STEINER: Thank you very much. Good afternoon, Madam
22 Witness.

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

24 PRESIDING JUDGE STEINER: Are you feeling comfortable in order to continue
25 giving your testimony before this Court, Madam?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 THE WITNESS: (Interpretation) Yes, we can continue.

2 PRESIDING JUDGE STEINER: Thank you very much. I will give the floor again to
3 the counsel for the Defence and he will continue putting some questions to you.

4 Mr Haynes, you have the floor.

5 MR HAYNES: Thank you, Madam President. Upon reflection and following
6 Mr Zarambaud's intervention, I thought perhaps it was best we clarified this issue, so
7 could I ask please for EVD-T-OTP-0012 to be placed into eCourt, and the critical page
8 number is 0389.

9 PRESIDING JUDGE STEINER: Level of confidentiality, please?

10 MR HAYNES: It is confidential, so it should not be broadcast outside the room.

11 THE COURT OFFICER: The document is available on your screens. Please,
12 counsel, could you repeat the page number.

13 MR HAYNES: 389.

14 THE COURT OFFICER: Just for the record of the case, this document is referenced
15 as EVD-T-OTP-00012.

16 MR HAYNES:

17 Q. Madam Witness, let me explain to you what is happening. We all have on our
18 screen a typed document which is a record of the conversation you had with some
19 investigators from the OTP about two-and-a-half years ago. Do you remember
20 having that interview, or conversation?

21 A. Yes. I'm expecting to be told clearly what it's about.

22 Q. Yes, you will be. I'm going to read out very slowly something you said, so
23 don't you worry about what's on the screen. That's there just so that people can
24 make sure I don't misquote what you said. But can I ask you this: Did you
25 remember more clearly in 2008, when you were interviewed, the events of 2002?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 A. Yes.

2 Q. Then I'm going to read one of the answers you gave. You said, "In fact, we
3 were following the events on the radio broadcast. The report was about a strong
4 fight between the Banyamulengue and the rebels which was taking place 200 metres
5 from the presidential residence. That day, the 27th, there was heavy shooting. We
6 could see everywhere the cases of ammunition. It was quite frightening, so I
7 decided to move away from my house."

8 Can you tell me when that has been all translated to you, please.

9 A. Yes.

10 Q. Is what you told the investigators in 2008 accurate?

11 A. Where it concerns the information according to which it was the
12 Banyamulengue who were fighting, when it concerns this information, I know
13 nothing about that. What I said was that I was listening to the radio and it was said
14 that they were coming to support the head of state. That's what I said. That's what
15 I heard and that's what I told afterwards.

16 Q. Okay. So that I am clear, are you saying that you did not tell the investigators
17 in 2008 that you heard a radio report about fighting between the Banyamulengue and
18 the rebels close to the presidential palace?

19 A. That's not what I said.

20 PRESIDING JUDGE STEINER: Maître Douzima?

21 MS DOUZIMA-LAWSON: (Interpretation) Thank you, your Honour, I'm trying to
22 read this French statement. It's not exactly the same thing. If you would allow me,
23 I could read it for you?

24 PRESIDING JUDGE STEINER: I think it's better if we display on the screens the
25 French version and then everyone can follow, which is document CAR-OTP-0034 and

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

- 1 the page -- can you help me with the page, Maître?
- 2 MS DOUZIMA-LAWSON: (Interpretation) Page 5. It is page 5 to 6 of the
- 3 document 0034-0036.
- 4 PRESIDING JUDGE STEINER: The last numbers are, therefore, 0737; is that correct?
- 5 No, 0 --
- 6 MS DOUZIMA-LAWSON: (Interpretation) 736.
- 7 PRESIDING JUDGE STEINER: 0736.
- 8 THE COURT OFFICER: The document is available on your screens.
- 9 PRESIDING JUDGE STEINER: (Interpretation) Maître Douzima, you can read for
- 10 the --
- 11 MS DOUZIMA-LAWSON: (Interpretation) In fact, it is the answer of the witness:
- 12 "We were following the events on the radio. Violent fighting between the
- 13 Banyamulengue and the rebels, who were 200 metres from the presidential palace,
- 14 was pointed out. On that day, on the 27th, there was significant firing. We
- 15 could -- what they were able to see were the casings of the munition. It was
- 16 frightening, so I decided to leave the house."
- 17 THE INTERPRETER: Ms Douzima states that the cases is not the same as the casings
- 18 and in French it is casings, not cases.
- 19 PRESIDING JUDGE STEINER: I think there is a difference between the two versions.
- 20 I don't know at what point the Defence want to address this point?
- 21 MR HAYNES: I understood the word "cases" to mean "casings." I didn't think it
- 22 meant big boxes of ammunition. I thought it meant the shells of discharged bullets,
- 23 which is how it appears in the French, but that wasn't the thrust of my question.
- 24 PRESIDING JUDGE STEINER: I would like to put another doubt, but this is my
- 25 doubt and therefore my fault. Sometimes the Defence makes reference to the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 "presidential residence" or "palace" and the witness many times repeated "presidential
2 residence." I'm not sure whether there are two different places, so I will address this
3 question to the witness. Is the presidential residence the same place as the
4 presidential palace, or are there two different places?

5 THE WITNESS: (Interpretation) The presidential palace is different from the
6 presidential residence. I said that the radio announced that the rebels were 200
7 metres from the presidential residence.

8 PRESIDING JUDGE STEINER: Thank you very much, Madam Witness.

9 Mr Haynes.

10 MR HAYNES:

11 Q. And where was the fighting taking place in relation to the presidential
12 residence?

13 A. I couldn't know that. What I heard on the radio, everything that took place
14 was not something that I saw with my own eyes.

15 Q. I understand that and I only want you to tell us what you heard on the radio.
16 Was the fighting on 27 October taking place close to the presidential residence?

17 A. I couldn't know that. I said that it was the 27th it was announced that the
18 rebels were fighting, but the other days, on the other days, there were just exchanges
19 of fire. Where that happened exactly, I would be unable to say.

20 Q. Do you remember hearing any radio broadcast which referred to the
21 presidential residence?

22 A. Yes, that's what I heard.

23 Q. What did you hear?

24 A. I heard that the rebels were approximately 200 metres from the presidential
25 residence.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 Q. And on what day did you hear that?

2 A. It was the 27th, but this information is something that I had heard well before
3 and a bit afterwards we heard the news of the arrival of the Banyamulengue.

4 Q. Did you hear over the radio on 27 October any report of the Banyamulengue
5 being involved in combat?

6 A. I only learnt the news of their arrival a bit afterwards, or it was a bit afterwards
7 when there was a lull that we waited for a long time. Nothing happened. I only
8 heard the news of their arrival.

9 Q. Well, thank you. To get to the area which you live from the presidential
10 residence, you would head north out of Bangui; is that right?

11 A. The presidential residence is towards the town and I'm in a neighbourhood
12 which is towards PK12.

13 Q. Thank you. The river and the Democratic Republic of Congo is on the other
14 side of the city of Bangui from where you live, isn't it?

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

16 PRESIDING JUDGE STEINER: Madam Witness, could you please sit a little bit
17 closer to the microphone. The interpreter cannot listen to all your answers. Thank
18 you very much. Mr Haynes, could you repeat the question, please.

19 MR HAYNES: Yes, certainly, your Honour.

20 Q. The River Congo and the Democratic Republic of Congo is on the opposite side
21 of the city of Bangui from where you live?

22 A. The river is next to the town. I'm quite far from the town.

23 Q. And do you know that the river is to the south of the town?

24 A. I don't remember the geography to be able to situate myself. I can't lie.

25 Q. Would you be able to look at a map, if I showed you one?

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 A. Yes, I could indicate it on a map. I could indicate where the river was on a
2 map.

3 MR HAYNES: Very well. Then can we see slide 21 from the "Article 8:
4 Contextual Elements Common to all War Crimes" presented by the Office of the
5 Prosecutor at the audience -- at the hearing of the confirmation of charges on
6 13 January 2009, please?

7 THE COURT OFFICER: Mr Haynes, I would like a small precision in relation to
8 slide 21. Among the documents the case manager of the Defence sent, there are two
9 references to slide 21. There is reference slide 21 and reference to slide 21 rectifiée.

10 MR HAYNES: It is the first reference.

11 THE COURT OFFICER: The document is available on your screens. Could you
12 please rectify that that is the correct map?

13 MR HAYNES: It's the fourth page, apparently. That's it, apparently.

14 PRESIDING JUDGE STEINER: Mr Haynes.

15 MR HAYNES: Your Honour.

16 PRESIDING JUDGE STEINER: The Chamber would like to remind you about the
17 witness's literacy skills and the fact that she has sight problems.

18 MR HAYNES: I wouldn't have embarked upon this if she hadn't said she was
19 comfortable with it. If she says she's not, we will stop.

20 Q. Can you see what's on the screen, Madam Witness?

21 Is it possible to zoom in a little bit? And perhaps once more. Madam Witness, can
22 you see that, or is it too hard for you?

23 PRESIDING JUDGE STEINER: Madam Kneuer. Madam Kneuer.

24 MS KNEUER: Thank you, Madam President. There is a rectified version of that
25 map and it's not clear to the Prosecution why we do not use the rectified one. If

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 there is a specific reason, I'm happy to hear about that reason. If it's about the
2 geographics, then I still believe we should use the rectified one because that's the
3 latest version.

4 PRESIDING JUDGE STEINER: Mr Haynes.

5 MR HAYNES: Quite. If that's the preferred version, then we should use it.

6 PRESIDING JUDGE STEINER: I think it would be better.

7 MR HAYNES: Yes.

8 PRESIDING JUDGE STEINER: We are waiting for you to give the reference of the
9 rectified version.

10 MR HAYNES: It's the one on the screen. Can we try and get to the sort of state of
11 enlargement we had before, please.

12 PRESIDING JUDGE STEINER: Madam Kneuer.

13 MS KNEUER: Madam President, I apologise for interrupting again, but the rectified
14 version that I have is a different one. Perhaps we do have a different understanding
15 of the "rectified" version.

16 PRESIDING JUDGE STEINER: Do you have, Madam Kneuer, the reference
17 number of the last version, last rectified version, to see whether we are talking about
18 the same version?

19 MS KNEUER: In a second, Madam President, please.

20 Madam President, to the best of my understanding, the map is not in Ringtail or in
21 the eCourt. It was not evidence during the pre-trial phase. I only have a hard copy
22 right now here of the rectified version which relates to the filing 368.

23 PRESIDING JUDGE STEINER: Mr Haynes, I think in order to facilitate everyone's
24 work, maybe it would be better if you give the hard copy of the version you have, and
25 we are going to put in -- I don't know the name of that machine. That will be easier

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 for the witness to read it and for the other parties and participants and for the
2 Chamber, as well.

3 MS KNEUER: Madam President, I think the difficulty is the term "rectified." It
4 appears to be rectified by my colleagues from the Defence. That's my understanding.
5 Perhaps, to have the record clear, after the initial map was used during the
6 confirmation hearing and provided to the parties, the Prosecution submitted an
7 "updated" map, to depart from the term "rectified." I cannot identify what was
8 rectified, but I'm satisfied with the map. I'm not satisfied eventually with dates on
9 that map because there was the correction by the Defence -- by the Prosecution.

10 PRESIDING JUDGE STEINER: So the map can be given back to the Defence.

11 Mr Haynes, are you going to use the map only in relation to locations, or in relation to
12 dates?

13 MR HAYNES: Certainly, it's no part of our case that the entry of the MLC into the
14 Central African Republic was 30 November, no. I'm only going to use it with this
15 witness as to the question of geography.

16 PRESIDING JUDGE STEINER: Is this person still in the gallery? I'm sorry, it's
17 counsel, Defence counsel, Mr Liriss.

18 You can proceed, Mr Haynes. Let's see if we can go straight to the end of this topic,
19 because it's taking too long.

20 MR HAYNES: Yes. Well, I think we were at a point where it had been decided
21 I could use a hard copy on the overhead machine, rather than the screen which
22 doesn't give sufficient definition of the map. So can we place the hard copy on the
23 overhead machine? And I think, in these circumstances, the witness has to change
24 places with her companion.

25 PRESIDING JUDGE STEINER: Are you going to ask the witness to make any notes

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 on the map?

2 MR HAYNES: Yes, just two or three.

3 PRESIDING JUDGE STEINER: So then please, court officer, facilitate with the
4 witness to swap places with the supporting person.

5 Madam Witness, can you see clearly the map that is in front of you? Madam
6 Witness, I'm going to ask you whether you can see clearly the map that is in front of
7 you.

8 THE WITNESS: (Interpretation) Yes, that's what I'm looking at. I see that
9 someone has written "Bangui", "PK12", "Bambio", "Berberati", and then "Bouar",
10 "Bozoum", "Bossangoa", "Dekoa" as well. I can see that too. I also see "Sibut" and
11 "Damara". I also see "Bogagolo", "Bossembélé", "Yalaka", "Bossembelé" and on
12 "PK12" it is written "Bangui-Mugamba".

13 MR HAYNES:

14 Q. Thank you. You are obviously able to read it quite well. Can you see the
15 river; the River Congo?

16 A. Yes, according to the line that has been traced here that I see on the screen,
17 I think I need some explanation so I can really understand properly. Otherwise, I
18 really won't be in a position to explain it.

19 Q. Can you see which area of this map represents the Democratic Republic of
20 Congo?

21 A. I would like to know do you want me to locate the Congo on the place where it
22 is marked "Bangui"? This is a question I'm asking. Is it in relation to the place
23 where the -- where "Bangui" was written? Is that where I should situate Congo?

24 Q. Yes, please.

25 PRESIDING JUDGE STEINER: Are you asking the witness to put any mark on the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 map?

2 MR HAYNES: No, I think she can describe it. Well, in that event, perhaps she can
3 be handed a green pen maybe?

4 PRESIDING JUDGE STEINER: I think maybe it's easier for the witness.

5 MR HAYNES: Madam President, you are right of course.

6 PRESIDING JUDGE STEINER: Could you please, Mr Haynes, be very clear on what
7 you want the witness to mark.

8 MR HAYNES: Yes.

9 PRESIDING JUDGE STEINER: Thank you.

10 MR HAYNES:

11 Q. Would you mark, if you can, the Democratic Republic of the Congo; the country,
12 not the river?

13 A. I don't even see where "Congo" is written. I just see the different localities in
14 Central African Republic and the city of Bangui.

15 Q. Do you know where Congo is in relation to Bangui?

16 PRESIDING JUDGE STEINER: Mr Haynes, Maître Zarambaud has the floor.

17 Maître Zarambaud, please.

18 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. I think that the

19 question initially was asking the witness to situate her locality in relation to the

20 residence of the President of the Republic and in relation to the Congo River. I

21 wasn't at the beginning of the trial. Now, I don't know about a map of the town -- or

22 rather the city of Bangui was shown, but that might be better to show such a map to

23 the witness and I will leave that assessment up to the Court. Thank you.

24 PRESIDING JUDGE STEINER: Let's hope Mr Haynes will go to the point.

25 MR HAYNES: We're going to move on with this as quickly as we can.

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 Q. Can you indicate where the River Congo is adjacent to Bangui?

2 A. Well, probably I could say -- correction, orally I could say that once you get to
3 the centre of the town you can see the central market, the police station, the port
4 police. That is where the ground ends and that is where the river is to be found.

5 Q. Very well. Can you indicate where you live in relation to Bangui?

6 A. When you take the main road that goes from the centre of the town and leads to
7 PK12, you first arrive in the neighbourhood where I live before you eventually get to
8 PK12; that is to say my neighbourhood is to be found along the main road that goes
9 from the centre of the town to PK12.

10 Q. Thank you.

11 PRESIDING JUDGE STEINER: Mr Haynes, Maître Zarambaud asks for the floor
12 again. Maître Zarambaud.

13 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. I think that there
14 may be a misunderstanding in the mind of the witness insofar as my learned
15 colleague is speaking of the Congo River, but it is actually the Ubangi River which
16 flows into the Congo River further down and that river separates the Democratic
17 Republic of Congo from the other Congo, the Congo-Brazzaville, but what we see on
18 the map is the Ubangi River, not the Congo River.

19 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud, for this
20 clarification. So maybe the Defence has to rephrase the question mentioning the
21 right river.

22 MR HAYNES: Yes, that's been pointed out to me as well.

23 Q. Can you indicate where the Ubangi River is in relation to Bangui?

24 PRESIDING JUDGE STEINER: Madam Witness, have you understood the question
25 put by the Defence?

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 THE WITNESS: (Interpretation) I haven't understood it.

2 PRESIDING JUDGE STEINER: Mr Haynes.

3 MR HAYNES:

4 Q. Do you know where the Ubangi River is?

5 PRESIDING JUDGE STEINER: Mr Haynes, could you please enlighten the

6 Chamber in what is exactly the objective and the relevance of all these questions that

7 now for more than an hour have been put to the witness?

8 MR HAYNES: I can. It's to illustrate that, even if she is correct and there were

9 reports of the entrance of the MLC into the Central African Republic on 27 September,

10 they were at that point in time a long way from where she lives on the other side of

11 the combat zone, but if your Honour thinks it's not a profitable exercise we can end it

12 here.

13 PRESIDING JUDGE STEINER: Yes, what the Chamber can realise is that we are

14 having some difficulties and putting the witness under stress for something that she's

15 not really able to understand.

16 MR HAYNES: Quite.

17 PRESIDING JUDGE STEINER: So maybe if you do the same thing in another way, it

18 would facilitate for her.

19 MR HAYNES: I'm going to ask one more question on this topic and then we will

20 leave it.

21 Q. Do you know that the country of Chad is to the north of the Central African

22 Republic?

23 A. I can't answer that question, because when it comes to geography I understand

24 nothing of it because I would not want to lie to you.

25 Q. Did you hear, during the course of the events of 2002, about the involvement of

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 an armed force commanded by a man called Miskine?

2 PRESIDING JUDGE STEINER: Madam Witness, have you understood the question
3 put by Defence counsel to you?

4 THE WITNESS: (Interpretation) I didn't understand and I don't even understand
5 what he wants from me.

6 MR HAYNES:

7 Q. Have you heard of a man called Abdoulaye Miskine?

8 A. I have no information about any of that.

9 Q. Very well. Can we, therefore, come back to you and your sister-in-law leaving
10 your house on 27 October.

11 PRESIDING JUDGE STEINER: Mr Haynes, if I may?

12 MR HAYNES: Yes.

13 PRESIDING JUDGE STEINER: Are you not going to use the map any more?

14 MR HAYNES: No.

15 PRESIDING JUDGE STEINER: Is it your intention to tender the map into evidence?

16 MR HAYNES: Yes, please.

17 PRESIDING JUDGE STEINER: So please, court officer, assign an EVD-T number to
18 the map.

19 THE COURT OFFICER: Yes, Madam President. The map that was shown will be
20 attributed reference EVD-T-D04-00005 and will be marked as confidential unless
21 otherwise instructed.

22 MR HAYNES:

23 Q. Can we now come back to 27 October, when you and your sister-in-law left
24 your house and came upon a group of soldiers. When you first saw them you
25 believed they were soldiers of the Central African Army; isn't that right?

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 A. Yes, upon seeing them, those who were on the road that I was on I could see
2 them from far off. When I saw them, I was going along the road and then I met with
3 the other group.

4 Q. How far away were they when you first saw them?

5 A. I saw them on the road that goes to the disabled persons' centre. There was a
6 street going down at that level and where I was slightly below that. They were
7 slightly away from me. They were coming towards our side. So, when I saw them,
8 I was going along. They were rather far from me.

9 Q. And were you walking towards them?

10 A. They were coming and I was going my way. It was just where there is this
11 turn-off where the disabled persons' centre. That was where we were walking. At
12 that turn-off, when I got there, just a little further forward I met the other group.

13 Q. What were the first group doing?

14 A. They were walking. They were going towards the road on which I was.

15 Q. And approximately how many of them were there?

16 A. The ones I saw, there were three of them on that street.

17 Q. And were they walking in a sort of formation, or just walking as a group of
18 three?

19 A. They were together. They were coming along together and they wore
20 uniforms. That's what I saw at first glance. I could see that they were soldiers.

21 Q. And where were the second group?

22 A. The second group, I met the second group that was pushing the vehicle.

23 Q. So did you walk past the first group before you reached the second group?

24 A. Yes, but I said that those, the first group, were not very close to me. They were
25 just going their own way.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 Q. How many were in the second group who were pushing the car?

2 A. There were many of them. I couldn't count how many.

3 Q. And did you walk towards them?

4 A. No, they were on the other side of the road with the car and we were coming.

5 Q. And were they pushing the car into the compound, or out of the compound?

6 A. It was on the main road and so the car had already come out of the compound.

7 It was already on the main street.

8 Q. And I think you said they gestured you to come over; is that right?

9 A. Yes, they were close to the car and we were trying to go our way and they did,
10 indeed, gesture in that way. They beckoned to us.

11 Q. How far away were they when they beckoned to you?

12 A. They weren't far. When we got nearly to where they were, they were close to
13 the car and when they saw us they stopped pushing the car and gestured to us;
14 beckoned to us.

15 Q. And why did you go over when they beckoned?

16 A. Well, these were human beings. They beckoned to us. I didn't know what
17 they wanted to say to me. So when you're walking along and all of a sudden
18 somebody beckons to you so as to get help, what else could you do? And they were
19 wearing their military uniforms and they were armed.

20 Q. So you didn't think they presented any danger to you?

21 A. No, I didn't realise. It was when they began to talk between themselves that I
22 realised that they were foreigners.

23 Q. For how long did you help them pushing the car?

24 A. No, I didn't help them push the car.

25 Q. For how long were you present by the car with these men?

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 A. I can't remember how long it took. We stopped and they tried to seize our
2 belongings. That's what happened.

3 Q. Did they try and seize your belongings the minute you went over to them?

4 A. Yes, they took our belongings away and then one of them took hold -- grasped
5 our hands.

6 Q. So how long had you been in their company before this happened?

7 A. We stopped, they took away our belongings and they caught hold of our hands.
8 That's what I said.

9 Q. So a very short period of time, would you agree with that?

10 A. I didn't have a watch. I couldn't find out how long it lasted.

11 Q. Can you help us as to how many of them spoke during that period of time?

12 A. The three men were speaking among themselves.

13 Q. Was it only the three men who took your belongings and took your hands?

14 A. Yes, there were three of them, but those who were interested in my sister-in-law
15 among them, well, some of them caught hold of her hands. Among them, those who
16 were with my sister-in-law also tried to catch hold of my hand, and there were three
17 others in front of me. One of them tried to take my belongings away, whereas
18 another one grasped me by the hand.

19 Q. Did you only hear the three people who took hold of you speak?

20 A. Yes. I was referring to those who were in front of me, but those who had
21 grasped my sister-in-law's hands, I don't know what happened after that. I was
22 talking about those who were in front of me. That's what I meant, those in front of
23 me.

24 Q. And other than the people who took you and the people who took your
25 sister-in-law, were there any more people in the group pushing the car?

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 A. They were all soldiers. Everybody was at home, and when you went through
2 the neighbourhood, you would see nobody at home. Nobody was outside. All the
3 doors were closed. It was quiet.

4 Q. Where did you think they came from at the point at which they grabbed you?

5 A. The language they spoke showed me that they came from the other side of the
6 river, from Zaire.

7 Q. And is that what you thought at that point in time on 27 October 2002?

8 A. I didn't think. That's what they said. They were speaking Lingala and I could
9 recognise that language. I didn't just invent this.

10 Q. At that moment it was the fact that they were speaking Lingala that made you
11 think they were from the other side of the river?

12 A. Who were those who speak Lingala? Central Africans don't speak Lingala,
13 they speak Sango.

14 Q. I'd like you to have a look at a document that was completed by you and I think
15 your lawyer. The reference is a/0288/08, and we need to look at page 9, please.

16 And this is confidential and should not be broadcast.

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

18 MR HAYNES: I'm very sorry, could we go forward one more page, please. Thank
19 you.

20 Q. Is that your handwriting?

21 A. No.

22 Q. Do you remember filling in this document with your lawyer, Mr Wanfiyo, in
23 2008?

24 A. I know nothing about this document. There is talk about the Notre Dame
25 parish. About all this, I know nothing.

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Mr Haynes, I'm sorry. Madam Witness, just for the
2 Chamber's information, can you read French?

3 THE WITNESS: (Interpretation) Yes, I do read French, but I don't remember
4 having written this and I don't recognise what is stated here.

5 MR HAYNES:

6 Q. Well, if you can read it, would you mind reading what's written at section 2,
7 please?

8 A. "According to you, who is responsible for the event, or the events and why? Be
9 as specific as possible." That's what's written at numeral 2.

10 Q. And what is written after that in handwriting?

11 A. What is just below in French by the witness, the responsible -- "The person
12 responsible for the events is Jean-Pierre Bemba because his soldiers, his soldiers were
13 wearing tennis sneakers, slippers ... " No, I cannot decipher this part properly, " ...
14 that committed these inhumane deeds." I don't -- I'm unable to decipher this part.

15 Q. Thank you. Can we go over one more page, please. I'd like you to go about
16 six lines down. Can you see the church you've referred to, "l'église Notre Dame
17 d'Afrique"? Can you see that written there? Can you start reading immediately
18 after that, please.

19 A. Yes. Do you want me to read it out?

20 Q. Yes, please, that would be very kind of you.

21 A. "Notre Dame church, Notre Dame d'Afrique church. Because of the heavy fire
22 and the insecurity issue, wished to leave her house with her sister-in-law -- with her
23 sister-in-law to take shelter. They were both apprehended. They were both -- by
24 Bemba's elements who were armed, dressed in military uniforms and wearing tennis
25 shoes. Both women were taken to two separate places, where they were raped.

Trial Hearing
Witness: CAR-OTP-PPPP-0068

(Open Session)

ICC-01/05-01/08

1 (Redacted) was also raped."

2 Q. Do you remember going to Bangui with Mr Wanfiyo on (Redacted)
3 to fill in a form to become a victim in these proceedings?

4 A. I haven't understood the question. I would ask you to excuse me. I haven't
5 understood your question.

6 MR HAYNES: Well, it may well be that we have to revisit that when we come back
7 on another day, because I see it's just gone 4 o'clock.

8 PRESIDING JUDGE STEINER: Madam Witness, it's already 4 in the afternoon and
9 we have to suspend this hearing until tomorrow -- until Thursday morning.

10 Tomorrow we don't have session here in the court. You can take the whole day to
11 rest a little bit. Thank you very much for being here today, for your cooperation, for
12 your efforts. The Chamber hopes that you enjoy the evening and take the day off
13 tomorrow and you will be back in court Thursday morning at 9.30. Thank you very
14 much.

15 THE WITNESS: (Interpretation) I would also like to thank you.

16 PRESIDING JUDGE STEINER: Court officer, please turn into closed session in order
17 to allow the witness to be taken out of the courtroom.

18 *(Closed session at 4.02 p.m.) Reclassified as Open session

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

20 (The witness stands down)

21 PRESIDING JUDGE STEINER: Court officer, let's go back into open session, please.

22 (Open session at 4.03 p.m.)

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

24 PRESIDING JUDGE STEINER: Thank you. So before we suspend, just for the
25 record in the beginning of this hearing today I noticed the presence of a

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 representative of OPCV and it was my mistake. I apologise for that. There are no
2 representatives of OPCV in today's session. I was seeing the case manager of the
3 legal representatives of victims, so I do apologise for that.

4 The second point I would ask, please, the court officer to assign an EVD-T number for
5 the document that was just displayed by Defence.

6 THE COURT OFFICER: Yes, Madam President. The reference attributed to that
7 document will be EVD-T-D04-00006 and will be marked as confidential.

8 PRESIDING JUDGE STEINER: Thank you. From now on, it will be easier to have
9 the document displayed on our screens since the document is now part of the -- it's
10 part of the case file.

11 I would like to thank very much the Prosecution team, the legal representatives of
12 victims, the Defence team, Mr Jean-Pierre Bemba Gombo, and I would like to thank
13 our interpreters and our court reporters as always.

14 As you all know, tomorrow we are not going to sit in court, so we are going to
15 adjourn now and we will resume on Thursday at 9.30 in the morning with the
16 continuation of the testimony given by Witness 68. So thank you very much and this
17 hearing is adjourned.

18 THE COURT USHER: All rise.

19 (The hearing ends at 4.06 p.m.)

20 CORRECTIONS REPORT

21 The followings corrections have been made in the transcript:

22 * Page 25 lines 11 to 12

23 "Many people were fleeing, going through the neighbourhoods, and they were
24 leaving heading for PK12, or they would take refuge in the fields at their farms. " is
25 corrected by "Many people were fleeing, going through the neighbourhood, and they

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0068

1 were leaving heading for PK12. They were taking refuge at their farms.”

2 *page 23 line 6

3 “My mother and the children took refuge in the fields” is corrected by “My mother

4 and the children took refuge at the farm”

5 *page 23 line 12

6 “They didn't go to different places, but they went to some fields very far away.” is

7 corrected by “They didn't go to different places, but they went to farms very far

8 away.”

9 RECLASSIFICATION REPORT

10 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and

11 ICC-01/05-01/08-3038 and the instructions in the email dated 4 November 2013, the

12 version of the transcript with its redactions becomes Public