

Trial Hearing  
Witness: CAR-OTP-PPPP-0029

(Open Session)

ICC-01/05-01/08

1 International Criminal Court  
2 Trial Chamber III - Courtroom 1  
3 Situation: Central African Republic  
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08  
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and  
6 Judge Kuniko Ozaki  
7 Trial Hearing  
8 Tuesday, 15 March 2011  
9 (The hearing starts in open session at 9.38 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: Situation in the Central African Republic, in the case of The  
17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.  
18 PRESIDING JUDGE STEINER: Thank you very much. Good morning and  
19 welcome Prosecution team, the legal representatives of victims, the Defence team,  
20 Mr Jean-Pierre Bemba Gombo. Good morning and welcome our interpreters and  
21 our court reporters. We will continue today with the questioning of Witness 29 and  
22 for that purpose I ask, please, court officer, to turn into closed session for the witness  
23 to be brought into the courtroom.  
24 (Closed session at 9.40 a.m.) \* Reclassified as Open session  
25 THE COURT OFFICER: We are in closed session, Madam President.

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- 1 (The witness enters the courtroom)
- 2 WITNESS: CAR-OTP-PPPP-0029 (On former oath)
- 3 (The witness speaks Sango)
- 4 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 5 (Open session at 9.42 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: We were informed that you had some problems
- 10 during the night. Are you feeling better now?
- 11 THE WITNESS: (Interpretation) Yes, I can speak, because I was given medicine
- 12 which has relieved me, so I am able to speak to you.
- 13 PRESIDING JUDGE STEINER: So, Madam Witness, we want to remind you that, if
- 14 at any time you need a break, please just let us know. You don't need even to justify;
- 15 you just ask for a break. Is that fine with you?
- 16 THE WITNESS: (Interpretation) Yes, that is indeed fine by me.
- 17 PRESIDING JUDGE STEINER: So we need also to remind you that you are still
- 18 under oath. Do you understand that, madam?
- 19 THE WITNESS: (Interpretation) I understand that perfectly, your Honour.
- 20 PRESIDING JUDGE STEINER: And, madam, remember that you are under
- 21 protective measures. The image - your image - and your voice broadcast outside the
- 22 courtroom are being distorted and, therefore, the public cannot identify you. In
- 23 order to keep that protection, it is important that in public sessions you don't mention
- 24 any names of family members, or neighbours, or friends, that could lead to your
- 25 identification. If need be we can go into private session and then you can speak

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1 freely, because in private session nobody can hear you outside the courtroom. Do

2 you feel ready to continue giving your testimony, madam?

3 THE WITNESS: (Interpretation) Yes, I am ready to continue giving my evidence.

4 PRESIDING JUDGE STEINER: Thank you very much. So now the Defence will

5 start questioning you. I suppose Maître Liriss? Maître Liriss, you have the floor.

6 MR LIRISS: (Interpretation) Good morning, your Honour. Good morning,

7 Judges.

8 QUESTIONED BY MR LIRISS: (Interpretation)

9 Q. Witness, good morning. I'm very sorry to hear that you didn't feel well and I

10 shall take into account that factor. I will do what is humanly possible for me so that

11 today we can finish with your cross-examination and I do think that is possible.

12 Please count on me to try and speak as slowly as possible and to ask you the most

13 open possible questions. Can I count on you to give me, for your part, the most clear

14 and concise answers possible?

15 A. Yes, you can count on me, counsel.

16 Q. Thank you very much, madam. Most of the questions that I intend to put to

17 you are ones -- well, you answered them in a very satisfactory way yesterday.

18 Firstly, I'm going to deal with general questions and it's only when I finish those and

19 on the basis of the transcript of yesterday that I shall ask questions by way of

20 clarification. Is that acceptable to you, madam?

21 A. That is perfectly acceptable to me, counsel.

22 Q. Very quickly, we are going to address the issue of the attack upon you so that

23 we can then go on to other questions. Speaking about the attack on you, madam,

24 had you already seen the three thugs who attacked you before?

25 A. You've already asked me this question before and I answered you, saying that

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1 I had never seen them before. I didn't know them.

2 Q. Perhaps the Prosecutor asked this question. It's the first time that I have been  
3 asking you questions, but thank you very much for the question anyway -- for the  
4 answer anyway, rather. So if these people were presented to you today, would it be  
5 possible for you to recognise them, madam?

6 A. Since this event, that happened in 2005, if they were shown to me today I  
7 wouldn't be able to recognise them.

8 Q. This is quite normal, madam. Is it correct to say, speaking about these people,  
9 that these three people were only identified as Banyamulengue?

10 A. Yes, that was what we called them, it's true. It was the Banyamulengue.

11 Q. Other than these three persons and yourself, was somebody else able to see this  
12 attack?

13 A. When they committed these atrocities, when they slept with me, there was  
14 nobody. My father had already left. Everybody was trying to take refuge. We  
15 were alone. We were alone in the house when he was sleep -- when they were  
16 sleeping with me. There was nobody else.

17 Q. Thank you, madam. Do you remember having filled in a document called  
18 "Application form to participate in proceedings before the International Criminal  
19 Court"?

20 A. Yes, I remember having filled in such a document.

21 Q. In page 10, or on page 10, of this form, the fourth question, "Were there  
22 witnesses?", you stated "No." Do you confirm that; that there were no witnesses?

23 A. Yes, that is something I confirm. I think I said, when I filled in that form, that I  
24 was alone; alone with these three men.

25 Q. Thank you, madam. To your knowledge, in terms of the attacks which were

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1 perpetrated against Mongoumba, did they cause people to be injured or were people  
2 killed that you had seen?

3 A. The events happening in Mongoumba, well, I didn't speak about people being  
4 injured. What I spoke about were two people who were killed. There was a  
5 woman and there was a man, but there were shots which were coming. These were  
6 shots to make the population afraid. It was not that they were shooting at people.  
7 With regards to the national army, I mentioned two cases where people had died.

8 Q. Witness, to your knowledge, how much time the so-called  
9 Banyamulengue -- how much time did the so-called Banyamulengue occupy  
10 Mongoumba for?

11 A. Yesterday I said that they came in the morning. The population fled. They  
12 left the town to the mercy of the Banyamulengue. The evening they left the town.  
13 They didn't spend the night in Mongoumba or stay there two or three days.

14 Q. Very well, Madam Witness. Do you remember if the following day, or the day  
15 after that, if the social services had recommenced normal activities?

16 A. When we fled into the bush, after their departure people did not go back into  
17 town so quickly because they were afraid. Even the State services hadn't started  
18 functioning so quickly. Some officials who were present, the police, the gendarme,  
19 we fled with them into the bush, but they didn't go back into the town two days  
20 afterwards to take back up their work. I don't think so.

21 Q. According to the best of your knowledge, how much time after did all the social  
22 services and administrative services restart their normal functioning?

23 A. I can only say what I know and I said that at the time I took refuge in (Redacted)  
24 (phon), I came back to the house to look at the house, but I'm not able to say how  
25 much time afterwards the services started functioning again.

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1 Q. That's quite normal, madam. I will be more precise. Mongoumba hospital,  
2 was that working after these events in the days that immediately followed?

3 A. I don't know. Perhaps one week afterwards they started working again.  
4 When I came back from (Redacted) the hospital was working. It was just a small  
5 centre but this centre was working, nevertheless.

6 Q. You came back from (Redacted) five days later, did you not?

7 A. Yes, that is correct.

8 Q. During your forced stay in (Redacted) I think you have just said this as well, you  
9 sometimes went to see what state your house was in; is that correct?

10 A. Yes, that is correct.

11 Q. On this occasion, were you able to consult a doctor subsequent to the violence  
12 that you were a victim of?

13 A. After what I had suffered, I did not have the courage to tell the Mongoumba  
14 doctors about it because it was shameful and humiliating to tell anyone what had  
15 happened to me. So, frankly, I did not have that courage.

16 Q. I understand you perfectly well, Madam Witness. Now, would it be correct to  
17 say that you do not have any contemporaneous medical document that could attest to  
18 the reality of the sexual violence against you? Excuse me, madam. I want us to be  
19 clear: It is not that I am disputing the reality of what you said. It is just that I  
20 simply want to find out whether this act of violence was duly certified by a doctor.  
21 So, please, do not be offended by my question.

22 A. I believe that I told you, at the time of the events when I was in Mongoumba, I  
23 did not have the opportunity to see a doctor because I was ashamed of telling a doctor  
24 about that and specifically that I had been a victim of violence, or rape.

25 Q. Very well, Madam Witness. Your answer seems clear enough to me. In

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1 document number CAR-OTP-0052-0039, that is the English version, and 0074, you  
2 stated that the three attackers fled without taking anything with them. Can you  
3 confirm that to us, please, Madam Witness?

4 A. Yes, I can confirm that, and this is because at the time they were raping me there  
5 were the gunshots and then they fled. Because of the fact that they fled suddenly,  
6 they didn't take anything with them.

7 Q. You also stated that subsequently, you carefully locked the door of your house  
8 once again; is that correct?

9 A. Yes, I believe that was my testimony.

10 Q. For the record, Madam Witness, are you willing to confirm that today?

11 A. Yes, I confirm that, because before I went to seek refuge in the bush I carefully  
12 locked the door.

13 Q. Madam Witness, I am going to read out to you an excerpt of your statement to  
14 the OTP investigators. In the English version it is document CAR-OTP-0052-0092  
15 and the French version is 0083. This is what you said: "On the fifth day I went back  
16 to Mongoumba to assess the state of the house, so we were shuttling between  
17 (Redacted) and Mongoumba. We came out when people assured us that they were no  
18 longer there. We would come out, we would come back and see the state of the  
19 house and immediately afterwards we would return to (Redacted) because we were  
20 still afraid." My question to you, madam, is as follows: Can you confirm that  
21 statement, please?

22 A. Yes, I confirm that statement.

23 Q. Madam, who are you referring to when you said "We would go out. We  
24 would leave the house to go and see the state of the house"? Who are you referring  
25 to?

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1 A. When I say "we," I am referring to everyone who wished to assess the state of  
2 their house, so in any one afternoon we would take a decision to go and see the  
3 houses. We did not use the main road. We would use a path and go through the  
4 path that we had taken to come and seek refuge. Frequently, it was the young  
5 people who would come and alert us and say, "Please flee. They're arriving." I do  
6 not know whether those young people simply wanted to scare us. There were  
7 sometimes six of us, sometimes seven of us. They would shout "Flee, they're coming  
8 back," and we would go back into the bush. I spent five days in (Redacted) and I  
9 came back twice. When we were there we saw some young men who said "Flee,  
10 they're coming back," and we went back. We returned two days later and the young  
11 people told us "Look, come, the Banyamulengue have promised to come and burn  
12 down all the houses." That compelled us to leave.  
13 Afterwards I decided to go, because I was tired of all the shuttling and that last time  
14 we decided to come, we decided to return and there were men in our company. At  
15 the other times, we had been coming back and meeting young people who were  
16 scaring us. That is what I said, I believe.

17 Q. Thank you, Madam Witness. Personally, did you go and see the state of your  
18 house once or twice before the 5th?

19 A. I went to Mongoumba on two occasions, but I was not able to see the state of the  
20 house because, when we approached the town, there were young people who alerted  
21 us and we were afraid. It was only later on that we realised that our chickens and  
22 our ducks had been stolen and we understood that it was not the Banyamulengue but  
23 the young people who had scared us so that we should stay in the bush and they  
24 would steal our property. So we made two attempts and it was on the third occasion  
25 that I was able to reach the house. So it was only once that I succeeded in seeing the



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1 state of my house.

2 Q. Before the fifth day, when you assessed the state of your house, how did you  
3 find it, Madam Witness?

4 A. When I saw my house, the door had been broken down. When I had fled I had  
5 carefully locked the house, but when I checked the door it had been broken down. It  
6 was open. I pushed the door into the room of my parents and I checked the trunks  
7 and there were no longer any clothes in the trunk of my mother or that of my father.  
8 I saw some official documents scattered about and a few metres away I saw my  
9 mother's corset and I also saw some other items of clothing belonging to my mother.  
10 I saw some official documents that were scattered about and I picked them up, but I  
11 realised that the door was open.

12 Q. Very well, Madam Witness. I believe you have answered my question, even  
13 though not very specifically. You saw the door open when you returned on the fifth  
14 day, but my question actually concerned the time at which you went and saw the  
15 state of your house and then returned. And my question to you was what was the  
16 state of your house?

17 A. I have perfectly understood your question, but I believe I have told you that the  
18 first time I was trying to visit the house I was not able to see the house. I took a path  
19 to the main road and there were some young men who alerted us, "They're coming,  
20 they're coming" and then we returned to the bush. On the second attempt they did  
21 the same thing. They told us that the Banyamulengues had promised to come and  
22 burn down all the houses. "They are coming," and since we were afraid we went  
23 back into the bush. On the fifth day, that is at the third attempt, I was able to reach  
24 the house, but on the first two occasions I had not been able to see the house because  
25 every time we tried there were these young people who scared us and we were forced

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1 to turn back.

2 Q. Thank you, Madam Witness. I do understand. You have testified that these  
3 young men were doing this because they wanted to steal your poultry, as you later  
4 understood; is that correct?

5 A. Yes, that is what I said, but I never said that it was our poultry, because at the  
6 time that we were taking refuge in the bush, members of the population had domestic  
7 animals, but when the people returned they complained because they felt that the  
8 theft had not been committed by the Banyamulengue, because they did not spend  
9 enough time in Mongoumba to steal the poultry or domestic animals. It was the  
10 young people who had stayed back in the town who killed the domestic animals in  
11 order to eat them.

12 Q. Yesterday you stated, page 53, line 14 of the real-time French transcript, that  
13 those young people assisted the so-called Banyamulengue in transporting the looted  
14 goods. Is that correct, Madam Witness?

15 A. Yes, that is correct. That is what I said yesterday.

16 Q. Regarding what you have said today about the poultry, I will make a proposal;  
17 you can reject it, or not. Given that the Banyamulengue spent only one day, would it  
18 be correct to say that when it comes to the looting it is those young people who  
19 carried it out? That is who did the looting?

20 A. Regarding the looting, I do not think that it was the young people. The  
21 purpose of the incursion of the Banyamulengues, well, I do not know whether it was  
22 because of the amount of money that had been taken from them, but they also came  
23 for the property. It was not the young men who looted the goods.

24 Q. Thank you, Madam Witness. This was simply a hypothesis. In your  
25 statement to the investigators, CAR-OTP-0052-0043 in the English version, and in the

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1 French version it is 0010-0083 and 84, and for the English version it is 93 and 94, the  
2 question that was put to you is as follows: "How do you know that it was the  
3 Banyamulengue who took those things?", and you gave the following answer, "If I say  
4 Banyamulengue, it means Banyamulengue, because when the Banyamulengue came  
5 to Mongoumba they took the mayor's motorcycle, that is (Redacted)  
6 and they put it in their canoe. They took the motorcycle of the mayor of  
7 Mongoumba and put it in their canoe. They took the Monsignor's truck, who had  
8 come to Mongoumba, and they put it into their canoe and then took it away. If you  
9 think I am telling lies, you can go to Mongoumba and that is what you would be told.  
10 It was no one else. It was the Banyamulengue." My first question to you, madam,  
11 is do you confirm that statement that you gave to the investigators?  
12 A. Yes, I confirm the statement. I believe that I said this, but it was not well noted  
13 down. This is what I said: When they arrived in Mongoumba, they took the  
14 motorcycle belonging to the current mayor of Mongoumba. They also pushed the  
15 vehicle of the Monsignor who came to Mongoumba for a mass. They pushed that  
16 vehicle to the Mongoumba port, because the Mongoumba port is a large port. They  
17 pushed that vehicle to the port with the intention of taking it across. They succeeded  
18 in crossing with the mayor's motorcycle, but they left the bishop's vehicle there at the  
19 port. I do not remember saying that they crossed the river with the bishop's truck.  
20 I believe that I said that they took the motorcycle of the mayor of Mongoumba and  
21 they crossed with that motorcycle. I did not tell a lie. Everything I am saying is  
22 what happened.  
23 Q. Madam, you have the right to correct a prior statement. You should not be  
24 offended by that. My question is as follows: Why do you think that it was the  
25 Banyamulengue who carried out the looting?

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1 A. I thought that it was the Banyamulengue and I do indeed believe that it was on  
2 the 5th that they started the looting in Mongoumba. That is why I am saying that it  
3 was indeed the Banyamulengue who looted the town.

4 Q. Madam Witness, regarding that motorcycle and the vehicle, did you ever hear  
5 that the OTP investigators interviewed the mayor, or the bishop, about that looting?

6 A. I do not know how to answer that question. I met with the OTP investigators,  
7 but I have no idea regarding what happened afterwards.

8 MR LIRISS: (Interpretation) Well, this is a question that should in fact have been  
9 put to the Prosecution themselves. I'm wondering whether they can be asked that  
10 question for the purpose of the establishment of the truth? Maybe the Prosecutors  
11 interviewed the mayor of the town and the bishop and, if that is the case, they can  
12 disclose the statements or transcripts to the parties. Otherwise, the conclusions that  
13 are relevant can be drawn.

14 Q. Madam Witness, I will ask you a further question about the looting;  
15 CAR-OTP-0052-0093 to 0094, and that is the English version. On page 0083 you say  
16 the following, madam. The question put to you was as following: "You said that  
17 your parents' property was looted. Do you know any other people who found  
18 themselves in the same situation; that is whose property was looted?", and your  
19 answer was as follows: "It is because I am not allowed to say many, many things  
20 and it is for that reason that I restricted myself to what concerns me, but on that day  
21 the RFI radio station reported that the entire town of Mongoumba had been looted.  
22 What does that mean? This means that every house was visited by those looters.  
23 Every house. This means that I know many people whose property was looted."  
24 Do you remember that statement, Madam Witness, and can you confirm it to us?

25 A. Yes, I recognise that statement and I confirm it. That is what I said.

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1 Q. According to that statement, the source of your information is the RFI radio  
2 station; is that correct?

3 A. It was not only from RFI that I learned about that. When the events happened,  
4 I was present. The RFI radio station reported on what had happened. Many  
5 people were complaining. It was a serious matter. Mongoumba town is a small  
6 town and ever since I was born this was the most major event that I had experienced.  
7 It was not only the radio station that informed me. I was present. My own house  
8 was looted, so I cannot simply rely on the information that was given by RFI. I was  
9 not in Bangui on that day; I was present in Mongoumba. Everything that happened,  
10 I saw with my own eyes. My own house was looted and that is why I talked about  
11 it.

12 Q. Madam, I'm not disputing the looting itself. My question was the source  
13 according to which it was the Banyamulengue. That is why I asked you that  
14 question on the basis of your statement. Is it correct that the source of the  
15 information according to which that looting, which in fact is not disputed, is  
16 attributable to the Banyamulengue?

17 A. The information on RFI, well, RFI didn't state exactly that it was the  
18 Banyamulengue, but it was the population of Mongoumba who confirmed that it was  
19 indeed the Banyamulengue who were the perpetrators. All the population of  
20 Mongoumba knew that it was the Banyamulengue who were the perpetrators of  
21 pillaging. I didn't say that RFI mentioned the Banyamulengue as being the  
22 perpetrators of pillaging, no.

23 Q. Perfect, madam, but the population of Mongoumba is not the witness. We are  
24 lucky to have you as our witness for the questions that I put to you. You personally,  
25 did you personally see any act of pillaging carried out by a so-called Banyamulengue?

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1 A. I was a witness of pillaging which happened in my house and, as I said to you, I  
2 can't tell you the names of the people who were victims thereof. I was a witness of  
3 several houses being pillaged in Mongoumba.

4 Q. Thank you, madam. I will repeat my question. Did you see the pillaging?  
5 Did you see a Banyamulengue pillaging?

6 A. I can't confirm that they were pillaging in my presence, because at time that the  
7 Banyamulengue took over the town all the population fled, and after I was attacked I  
8 fled, and after the return we noted that there were cases of pillaging. I didn't see  
9 them take all these objects on -- carry them away on their heads. I am speaking  
10 about young men who were like emissaries and these young men, during the  
11 interviews they told us they were carrying things, they were helping Banyamulengue  
12 to take goods down to the river.

13 Q. Very well, madam. Madam Witness, we've spoken about pillaging. We are  
14 going to try to speak about sexual violence, not on you but on the population. This  
15 is what you state in English document, and here I will give the reference -- the French  
16 document 0084. I shall now give you the English reference. I'm sorry, we can give  
17 you the reference at the appropriate moment, but, madam, in terms of what you say,  
18 there were questions put, 0051 in the French version. "You told us that these people  
19 were grouped in groups of two and three. Did you know if the other groups of two  
20 or three did the same thing as those who attacked you?", and what your answer is as  
21 follows: "What I'm going to tell you is that this is something quite dramatic which  
22 happened in the country. I do not know what they did to other persons. It was  
23 only later that I heard tell that other girls suffered the same fate as I did." I have  
24 finally got the English reference. It is CAR-OTP-0052-0059. "It was only later" you  
25 stated, madam, "that I heard it said that other girls suffered the same fate. As for

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1 myself, I haven't spoken about that, or I didn't speak about that immediately. This  
2 was something shameful and for us this was the first time we had seen something  
3 similar so I couldn't even speak about it. It was only afterwards, a lot longer  
4 afterwards, that I did speak about it. So what they did to others, well, that's  
5 something that I do not know, I did not see, but I also did hear that there were other  
6 girls who suffered the same attacks as I did." Do you confirm this statement, Madam  
7 Witness?

8 A. Yes, I confirm this statement.

9 Q. Madam, could you explain to the Chamber what understanding you have of  
10 the term "I have heard it said"?

11 A. "I have heard it said," well, at the time of the events, there were the attackers.  
12 Some time afterwards, well, Mongoumba was not such a big town. People started  
13 speaking that such-and-such a girl was raped, another was also raped, and I heard it  
14 said that -- I didn't go to ask these people to find out what the truth was. It is what  
15 was said in Mongoumba and this is something that I heard. I also heard it said that  
16 other girls - two other girls - had also suffered such a rape as happened to myself. I  
17 was not a witness to these rapes, but this is what was said. This is what I heard said  
18 and what I spoke of.

19 Q. Thank you, madam. Yesterday in the French transcript, real-time page 75, you  
20 said you know the name of the girl - the young girl - who had been killed?

21 A. The girl who was killed, or the girl who was raped? Could you ask your  
22 question again, please?

23 Q. I've finished with the pillaging. Now I am speaking about killings, and  
24 yesterday you said that you knew the name of the young girl who had been killed;  
25 the first gunshot that was heard, the one which made your attackers flee?

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1 A. Yesterday I said that it is true, because this person lives in my neighbourhood.

2 I know that person. I know that person's name.

3 Q. Madam, this girl, was she buried before or after your return to Mongoumba?

4 I'm going to reformulate my question; I wasn't precise. This young girl, was she  
5 buried when you were in (Redacted), or at the time you had left (Redacted) and gone to  
6 Mongoumba?

7 A. I think that she was buried when we were still in (Redacted). She was shot on  
8 the 5th in the morning, and in Mongoumba there isn't a morgue in which the bodies  
9 can be kept. She was shot on the 5th. When we came back, she had already been  
10 buried.

11 Q. Don't worry, perhaps you are going to consider this as a repetition, but is it  
12 correct to say that you weren't able to see the body of this young girl?

13 A. Yes, I think that's correct. Certainly I didn't see her body. When there were  
14 the shots, I was inside the house and I came out of the house to go into the bush. I  
15 did not see her, her body.

16 Q. Is it correct to say -- is it correct to say that it is, or it was also through third  
17 parties that you learned of the death of this young girl, as well as the cause of her  
18 death?

19 A. I heard that said, that is true, by a third party. I asked the question. In fact, it  
20 wasn't a young girl; it was an adult who already had children and it was said that it  
21 was the Banyamulengue who had shot her. I was fleeing. I was very sad as well.  
22 I didn't say anything else.

23 Q. Madam, have you given the name of this young girl to the Prosecutor's  
24 investigators?

25 A. I don't know. I don't think so. These events date back to a long time ago.



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1 I don't know.

2 Q. This young lady, did she have parents, neighbours, close family, in  
3 Mongoumba?

4 A. Yes, she had parents in Mongoumba, or relatives in Mongoumba. This was a  
5 young girl who was living in Bangui with her husband and when she visited her  
6 parents she was shot. Her mother died. Her father was still alive and she was shot  
7 at her parents' house.

8 Q. Do you know the fact that the father or the husband of this woman was  
9 questioned by the Office of the Prosecutor?

10 A. No, I have no information. I said that her father died, her mother was elderly.  
11 I don't know if they presented themselves in order to give statements. That's  
12 something I don't know. All I know is my statement that I gave to the investigators  
13 of the Office of the Prosecutor.

14 Q. Thank you, madam. This is perhaps a question that should be put to the  
15 Prosecutor. Madam Witness, I am going to read a statement that you gave before  
16 the investigators. In French, the reference is page 0033, in English,  
17 CAR-OTP-0052-0041. "When we hid in the forest, it was at that time that somebody  
18 said to us that a Muslim had been killed. So the second shot or gunfire that we  
19 heard had killed a Muslim. That is something that I heard, but I did not see it."  
20 Please could you confirm the content of this statement, madam?

21 A. I confirm this statement. I stated that.

22 Q. Thank you, madam. Yesterday, transcript in real-time, page 29, lines 1 and 2,  
23 the French version, you indicated that this Muslim was called (Redacted). Is that correct,  
24 madam?

25 A. It is correct.

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1 Q. Did you indicate that to the investigators?

2 A. These events date back to a very long time ago, so I might have forgotten certain  
3 details. If they asked me for names I might have given them to them, but if they  
4 didn't ask perhaps I would have said that there were two people who died.

5 Q. (Redacted), page 22, 13, of the English transcript. Whatever happens, madam, it  
6 wasn't your work to ask questions to (Redacted). That wasn't your job, so please don't  
7 apologise for that. Do you think you – could this (Redacted) –let me start again. (Redacted),  
8 did he have parents, relatives, friends, neighbours?

9 A. He had parents, neighbours, but that was much more in the Muslim sector.

10 Q. You also do not know if the investigators, despite the indications that you have  
11 given, according to which a Muslim had been killed, you also don't know if the Office  
12 of the Prosecutor was carrying out investigations in that regard; is that not correct?

13 A. I do not know.

14 Q. You're not the only one; we don't know either. A last question and then I think  
15 it is time for the break. Between October 2002 and March 2003, did you carry out  
16 any trips to Bossangoa, or Sibut, Damara, Bossembélé?

17 A. No, I didn't have that opportunity. I have never been to Bossangoa and I have  
18 never been to the towns that you have just mentioned.

19 Q. That's the last question, or this is the last question. I am going to read a remark  
20 that you made. In the English version it is CAR-OTP-0052-0045, and French 0037, in  
21 the French version. I will read your statement. "The Banyamulengue took over the  
22 town and the villages in the Central African Republic. They went into the towns  
23 such as Bossangoa. There they massacred people. They went from town to town,  
24 from village to village, and they created panic and it was when they returned that  
25 they stopped in Mongoumba." Do you confirm that statement, madam?

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1 A. I confirm that statement.

2 Q. How were you able in this case to testify about acts in Bossangoa, Sibut, Damara,  
3 Bossembélé?

4 A. I know what happened because I am a member of an organisation and this  
5 organisation brings together victims. As I said yesterday, in this organisation there  
6 are victims who come from the towns, the names of which I have mentioned, and it  
7 was in the same way that I, in Mongoumba, having been a victim, can also account for  
8 what happened in the town because in this organisation there are victims from  
9 Bossangoa, Sibut, Damara. I can't give their names here, but with them we  
10 collaborated in this NGO, so I heard it said by these people because, in 2002, it was at  
11 that time that the Banyamulengue had invaded or controlled this sector and it was  
12 when they retreated in March 2005 that they came back to us, and in the discussions  
13 or in -- that we had within this NGO we also shared certain information. That is  
14 what made me say that.

15 Q. To finish, just by saying "Yes" or "No", is it correct to say that you can only bear  
16 witness to these killings through what you have heard from third parties?

17 A. I think I told you that I was not a witness. I heard it said. I heard people say  
18 that. Personally, I did not see it.

19 MR LIRISS: (Interpretation) Thank you, madam. Your Honour, I think that it is  
20 now time for the break.

21 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. Madam Witness, we are  
22 having a break now. You can take some rest. It is 11 o'clock. We'll be back at  
23 11.30. I please ask the court officer to turn the session into closed in order for the  
24 witness to be taken outside the courtroom. In the meantime, we will suspend and  
25 resume at 11.30.

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- 1 (Closed session at 10.59 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 11.01 a.m.
- 6 \*(Upon resuming in closed session at 11.35 a.m.) Reclassified as Open session
- 7 THE COURT USHER: All rise. Please be seated.
- 8 PRESIDING JUDGE STEINER: Welcome back. Could, please, the court usher
- 9 bring the witness in.
- 10 (The witness enters the courtroom)
- 11 PRESIDING JUDGE STEINER: We can go into open 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: Welcome back, Madam Witness.
- 15 THE WITNESS: (Interpretation) Good morning, Madam President.
- 16 PRESIDING JUDGE STEINER: Are you feeling better?
- 17 THE WITNESS: (Interpretation) Yes, I am feeling well.
- 18 PRESIDING JUDGE STEINER: Did you manage to rest a little bit?
- 19 THE WITNESS: (Interpretation) Yes, I was able to rest.
- 20 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?
- 21 THE WITNESS: (Interpretation) Yes, I am ready to continue with my testimony.
- 22 PRESIDING JUDGE STEINER: Therefore, I give the floor again to Maître Liriss.
- 23 MR LIRISS: (Interpretation)
- 24 Q. Good morning once again, Madam Witness.
- 25 A. Good morning, counsel.

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1 Q. I think we have made good progress and I do hope that we will conclude not  
2 long from now. I am going to read you an excerpt of your statement. The English  
3 version CAR-OTP-0052-0038 and 0043, the French version is 0030 and 0035. This  
4 was your statement to the investigators which you confirmed yesterday: "It was the  
5 fishermen who alerted the people of the village. They were shouting 'Flee. Flee.  
6 There are soldiers arriving. Run away. Do not stay there.' Those who were fast  
7 ran into the forest." At page 0035 of the French version, and 0043 of the English  
8 version, you state as follows: "I'm saying that it is true the fishermen shouted, 'Run  
9 away, run away. The soldiers are arriving.' It is because those fishermen know our  
10 own soldiers, and that is they knew that those soldiers were not our soldiers because  
11 they referred to them as the Banyamulengues." Madam Witness, can you kindly  
12 confirm that statement, please?

13 A. Yes, I do confirm the statement.

14 Q. On the basis of those two statements, would it be correct to say that merely  
15 because of the fact that those people did not look like the Central African Republic  
16 soldiers, who were known to the fishermen, those fishermen thought that they were  
17 Banyamulengues?

18 A. I think that the fishermen knew that they were Banyamulengue. I am saying  
19 this because, if they had been soldiers from our country, in any case, they did not  
20 arrive in a good way. The soldiers from our country who had been assigned to our  
21 sector would have arrived on, or rather, in a vehicle and if they came by boat it would  
22 have been through the port. The fishermen went down to the river to draw their  
23 nets and it was then that they saw armed soldiers approaching them, and it was  
24 because of that that they gave the alert, prompting the members of the population to  
25 flee.

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1 Q. Very well, madam. Yesterday, and in your statement, you mentioned a prior  
2 incident a few days earlier, an incident during which Central African Republic  
3 soldiers had confiscated, according to you, a great lot of money belonging to the  
4 Banyamulengue; is that correct?

5 A. Yes, that is what I said yesterday.

6 Q. When the Banyamulengue were leaving, according to you they said, "We are  
7 leaving, but we are coming back to recover our money." Is that correct, Madam  
8 Witness?

9 A. Yes, that is true. I was not present when they were saying that, but we heard  
10 what they had said. As far as we were concerned, we thought it was a joke when  
11 they stated that they were going to come back to recover their money. We told  
12 ourselves, "Well, they can come back. They are soldiers and it is also soldiers who  
13 confiscated their money, so if they come back they are going to confront their fellow  
14 soldiers." That is what we thought.

15 Q. Very well, Madam Witness, and you concluded on page 0038 in the French  
16 version, and 0045 and 46 in the English version, you said, "It is for that reason that in  
17 the morning, when the fishermen saw the Banyamulengue coming, they decided that  
18 if they were coming back it was to massacre us and so they gave the alert, 'The  
19 Banyamulengues are coming. Run away, run away.'" So my question is as follows:  
20 It was after the promise that the Banyamulengue made, that is to come and recover  
21 their money, that when the fishermen saw these soldiers coming assumed or believed  
22 that it was the Banyamulengue; is that correct?

23 A. Yes, that is how we understood the incident and that is what we thought.  
24 When the Banyamulengue arrived, if that money had not been taken from them I  
25 believe or we believed that they would not have come back to Mongoumba to commit

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1 those atrocities, but since they had been relieved of their loot they had taken the  
2 decision to go back, but also to return. And when they came back, as you are aware,  
3 the entire town of Mongoumba was aware that money had been taken from the  
4 Banyamulengue and they had promised to return in future.

5 However, we thought that if they came back they would go directly to the soldiers to  
6 ask for their money back. They should not take it out on the population. So they  
7 came back to recover their money and that is what led to the misery.

8 Q. Thank you, Madam Witness. You have explained to us why the fishermen  
9 thought it was the Banyamulengue. Now, there was a question that was put to you  
10 as follows: "It is important for us to know why you think and how you know that  
11 these people were Congolese?", and you answered as follows: "When they were  
12 leaving, they did not speak in French. They were speaking in a language that I  
13 believe was Lingala. They said that they were going and that they would return. It  
14 was for that reason that I thought they were Congolese." Can you confirm that  
15 statement, Madam Witness, please?

16 A. Yes, I confirm the statement. That is what I said.

17 Q. Thank you, madam. We are talking about the fact that people thought they  
18 were Congolese, because they had promised revenge. Now, to your knowledge, to  
19 the best of your recollection, not only of what you saw but what your compatriots  
20 told you, did any one of your attackers say to which group they belonged?

21 A. They did not tell me the group to which they belonged.

22 Q. To your knowledge, did they say that to anyone else?

23 A. But since they did not speak to us, I cannot know the group to which they  
24 belonged. Well, when they were attacking me, I did not understand what they were  
25 saying to each other. They were speaking in their language. They did not tell me

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1 about any group.

2 Q. I do understand, Madam Witness, that they did not tell you anything. I have  
3 not forgotten. My question is as follows: Were you able to learn from a third party  
4 that these people themselves mentioned the group to which they belonged?

5 A. No one told me anything.

6 Q. Thank you. You stated that half of the population of Mongoumba were  
7 fishermen. Is that correct, Madam Witness?

8 A. That is correct.

9 Q. You said that you yourself, you know how to fish?

10 A. That is correct. That is what I said. I know how to fish with a fishing net.  
11 (Redacted) and so it is something that I can do.

12 Q. Madam Witness, can you tell this Court what the Mongoumba fishermen do  
13 with the fish that they catch?

14 A. I am talking about when my father was still active. When he went fishing and  
15 he was successful, part of the take would be sold to buy soap and some of the fish  
16 would be smoked, while some would be used for consumption at home. That is  
17 what happened in Mongoumba.

18 Q. Now, with regard to the fish that were sold, Madam Witness, where specifically  
19 was it sold?

20 A. The fish was sold at the Mongoumba market and there were many ethnic  
21 groups there and the fishing ethnic groups are the Sangos, the Yakomas and the  
22 Mbondjo. You can also find Nbakas and Batis and there are even civil servants who  
23 do fishing, so the fishermen sold the fish they had caught at the market and those  
24 who did not fish would buy the fish to feed themselves.

25 Q. Did the inhabitants of the Congolese living at Libenge also come and buy fish?



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1 A. There are also fishermen in Libenge, but the Sango and Yakoma people that I  
2 mentioned, who live in Mongoumba, also live in Libenge and they do fishing there.  
3 There are also certain inhabitants of Mongoumba who go to Libenge for trading  
4 activities to attend the market. Some of them go there to buy taro, bananas and  
5 other foodstuffs, and some of them also come to our area sometimes to buy items that  
6 they do not have, but what I'm telling you is this does not happen frequently.

7 Q. Is that the same thing that happens with Congo Brazzaville, madam?

8 A. Congo Brazzaville is very far away from Mongoumba. I cannot talk about  
9 Congo Brazzaville. I'm talking about the Democratic Republic of Congo. Libenge  
10 is just opposite us and if there was no town between us and Libenge, if there was no  
11 island, it would just be like Bangui and Zongo. We are separated from Libenge by  
12 an island, but Brazzaville is very far away and going there by boat would take you  
13 from one week to ten days.

14 Q. Madam, yesterday on page 20 of the real-time transcript, lines 15 to 17, and in  
15 the English version it is page 15, lines 20 to 22, you stated, "Mongoumba is located  
16 south of Lobaye. It is a town which is at the border with the two Congos, that is the  
17 Democratic Republic of Congo and Congo Brazzaville. From the direction of Bangui,  
18 Mongoumba is located in the direction of Brazzaville. When you take a boat in  
19 Bangui to travel to Brazzaville, you would first of all pass through Mongoumba in  
20 order to go to Brazzaville." Is that correct, Madam Witness?

21 A. Yes, that is exact. That was my statement.

22 Q. You also stated in yesterday's transcript, page 32, lines 11 to 25 I think, that's the  
23 French version, in the English version page 24 -- page 14 I think, and following, going  
24 to page 25, lines 2, this is what you stated: "I didn't say that they were at the river.  
25 They were at their homes, the fishermen. It was when they went to the river that

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1 they met the troops and it was from there that they started shouting out to alert the  
2 population." Line 24, "It was the fishermen who were going down to withdraw their  
3 nets who had started shouting. It was those who met the soldiers at the river bank."  
4 Now, in relation to that, madam, the question is as follows, could you clarify this: Did  
5 the fishermen see the attackers? Did they see them get out of their canoes, or did  
6 they see them having already got out of their canoes; that is to say, did they see them  
7 in their canoes and getting out of them, or did they see them already on dry land?

8 A. The fishermen didn't see them landing. I said yesterday that the fishermen met  
9 them when they had already got out, when the fishermen went down to the river  
10 bank to have a look at their nets, and they were already on the river bank. They  
11 were already coming towards the village. They weren't still in their canoes, no,  
12 when the fishermen saw them.

13 Q. In this case, madam, what led you to say that they had come from Libenge and  
14 not from Bangui, nor from Congo Brazzaville?

15 A. We also did not have any problem with the Democratic Republic of Congo, but I  
16 would say that it is because our soldiers, they took the money off the Banyamulengue.  
17 The Banyamulengue did call for their money in vain. This is something that was  
18 refused and that is why they promised to come back, and that is why I knew that it  
19 was soldiers from the Democratic Republic of Congo who came. They weren't from  
20 Bangui or the soldiers from Bangui couldn't do this trip by the river to come here, nor  
21 those from Brazza. Neither could they do this trip and, in order to come from Zongo,  
22 it could only have been the soldiers from Libenge who could have crossed in order to  
23 go to Mongoumba.

24 Q. I understand that well, madam. The question is not whether it was soldiers; it  
25 is with regards to a group that you did not identify. Yesterday, you said that we

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- 1 wouldn't say -- you wouldn't say that they were soldiers. Is that not what you said?
- 2 A. Yes, I said that yesterday and that's the reason why I'm calling it a group.
- 3 Q. The question I would like to ask is as follows: Could one come from Bangui by
- 4 canoe, by car, or on foot? Could one reach Mongoumba coming from Bangui by one
- 5 or other means of transport?
- 6 A. Yes, somebody can reach Mongoumba in this manner.
- 7 Q. Can one also reach Mongoumba from Libenge?
- 8 A. Yes, you can reach Mongoumba from Libenge.
- 9 Q. Can one also reach Mongoumba from a town or village close to Congo Brazza
- 10 or a village near thereto?
- 11 A. Yes, one can.
- 12 Q. Thank you, madam. You stated that these people did not indicate where they
- 13 came from; is that correct?
- 14 A. Yes, that is correct.
- 15 Q. You also said that the fishermen didn't see them on canoes, but on dry land; is
- 16 that correct?
- 17 A. Yes, that is correct.
- 18 Q. Why, therefore, did you indicate that they could only have come from Libenge?
- 19 A. I knew that these people came from Libenge because, given everything that they
- 20 had committed, everything that they had pillaged, they had also crossed back
- 21 towards Libenge with their booty on board the canoes.
- 22 Q. You stated before the interpreters -- before the investigators as follows: "The
- 23 day on which they had problems with the Central African Army they crossed for
- 24 Libenge. We know that they lived in Libenge. Their number was not so great.
- 25 They said 'We will come back.' When they came back they were more numerous, so

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1 they could not come from anywhere else than Libenge because we know that is their  
2 town." And here I will give you the reference. In English it is CAR-OTP-0052-0048,  
3 in French it is CAR-0010-0040. Madam, would you be so kind as to confirm this  
4 statement to me?

5 A. Yes, I confirm it. I stated that.

6 Q. The reason why you state that they were soldiers who came from Libenge, is it  
7 the fact that the soldiers to whom the money had been taken, or from whom the  
8 money had been taken, they were from Libenge; is that correct?

9 A. I think that that is correct, yes, because the soldiers who came were Congolese  
10 soldiers. They had promised to come back. They left and they came back and that  
11 is how I know that it was the same persons who came back to commit these atrocities.

12 Q. Madam Witness, are you able to read a map? Not as an expert, I am not an  
13 expert either, but in order to point out certain towns on a map, are you able to do that,  
14 madam?

15 A. If you show me the map, I'm not the most educated person, but I will be able to  
16 see if I can help you.

17 MR LIRISS: (Interpretation) Very good, madam. Madam, if you would be so  
18 kind as to authorise the court officer to show document number 5 of our dossier on  
19 the screen, if you would be so kind?

20 PRESIDING JUDGE STEINER: The level of confidentiality is public, I suppose?

21 MR LIRISS: (Interpretation) Yes, your Honour, it is public.

22 THE COURT OFFICER: The document is available on your screens by pressing the  
23 button "PC1" next to your screens. The document is classified then as public.

24 MR LIRISS: (Interpretation) Would it be possible to zoom in, but to put the map in  
25 such a way so we can better see the town of Mongoumba? Very well. At the same

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1 time, in order to help the Chamber and the witness, this is only a small part of a larger  
2 map. We have that map should the other parties wish for it. We have only taken  
3 part of it which is of relevance to us. Now, in order for the Chamber to better  
4 understand, we have for the parties, if the Registry would be so kind as to distribute it  
5 via the usher, we have a more precise map which indicates the country's area around  
6 Mongoumba.

7 Q. Madam, do you see at the bottom of the map where you have a picture of a  
8 plane, do you see "Mongoumba"?

9 A. Yes. Yes, I see it.

10 Q. Do you see next to Mongoumba the River Lobaye; is that correct?

11 A. Yes, that is correct. I can see it.

12 Q. What is the country which is at the tail end of the aeroplane that one can see?

13 A. You can see a river. There's Gouga. There's a place called Gouga as well.  
14 Yes, I can see it. It is below Mongoumba, Gouga. This is almost on the border  
15 between Mongoumba and Congo Brazza, on the border between the two.

16 Q. The inhabitants of Congo Brazza can therefore easily come to Mongoumba; is  
17 that correct?

18 A. Yes, the inhabitants of Brazzaville can also come to Mongoumba. Those from  
19 Bangui go to Mongoumba to go to Brazzaville.

20 Q. And on your right, this is the Democratic Republic of Congo, is it not?

21 A. That is correct. That's what I see.

22 Q. The same movement of population could also take place from there, could it  
23 not?

24 A. What I am telling you here, I keep what I said in my statement. This  
25 movement can be carried out. People from Libenge can go to Mongoumba and

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1 vice-versa. They can also go to Bétou and to other localities as well, but the events  
2 from the 5th, this is something -- I don't know who came from Bangui. I don't know  
3 who came from Bétou. All I know is that they came from Libenge.

4 Q. Thank you very much, madam. I'd just like to ensure the -- reassure myself  
5 with regard to the possibility of circulation without any kind of -- or movement  
6 without any obstacle of a person or group between the two Congos and Mongoumba.  
7 Thank you very much. I no longer need that map.

8 PRESIDING JUDGE STEINER: I'm going to ask the court officer to attribute an EVD  
9 number to the map.

10 THE COURT OFFICER: Yes, Madam President. The Court -- the map shown to the  
11 witness, whose ERN reference is CAR-D04-0002-1286, will be attributed reference  
12 EVD-T-D04-00011 and will be marked as public.

13 MR LIRISS: (Interpretation)

14 Q. Madam, you just mentioned the town of Békou or Bétou, I don't know, in the  
15 Central African Republic. Do you also know or have you gone -- do you also know  
16 it? Have you gone there occasionally or, rather, have you been to Congo Brazza?

17 A. I have been to Congo Brazza once. I didn't go there by boat; it was by plane.  
18 In order to go by boat from Mongoumba, that's something that I have never done, but  
19 I do know that I have been in Brazzaville and I went by plane.

20 Q. Thank you, madam. Could you leave Brazzaville aside and just focus on the  
21 towns around Mongoumba. Békou (phon), you know that, don't you?

22 A. I have heard people speak about Bétou, but I have never been there myself. I  
23 have already said I have never gone by boat there. I have never been to Bétou.

24 Q. You have heard people speak about Impfondo in Brazzaville, or rather in Congo  
25 Brazza; is that not correct?

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1 A. I have heard speak of all these different localities, Bétou, Baranga, all these  
2 localities which are on the Brazzaville road. I have heard of all that, but I have never  
3 been there.

4 Q. Have you friends, parents, relatives, who have gone there during that period or  
5 before then?

6 A. If -- well, yes, rather. You know, in Mongoumba there are people who go to  
7 Bétou, Brazzaville and who speak about all these different localities to us, but I have  
8 never been there myself.

9 Q. These people who speak about these different localities, have they not spoken to  
10 you about refugee camps which were set up there at the time that the events took  
11 place?

12 A. I never had such information with regard to refugees. In fact, I have never had  
13 an interview with regards to such a subject or an examination. There are people who  
14 go to Brazzaville and I asked them questions and they answered me, that's it, but I  
15 haven't been able to ask questions relating to refugees.

16 THE INTERPRETER: The interpreters would like to indicate that there is a smell of  
17 glue coming from the air-conditioning in the interpretation booths which is highly  
18 distracting.

19 PRESIDING JUDGE STEINER: I had noticed before that we had a very, very strange  
20 smell in the air, something chemical. During the break I asked the court officer to  
21 check what was going on. I don't know whether we have any -- so in order to allow  
22 the technicians to see what is going on, we are going to suspend this hearing now.  
23 We are going to give some time for the problem to be solved, and taking into account  
24 that we have our lunch break, we are going to suspend now and resume at the normal  
25 time at 2.30 in the afternoon. I ask, please, court officer to turn into closed session in

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- 1 order for the witness to be taken outside the courtroom. In the meantime, we are  
2 going to suspend and resume at 2.30.  
3 (Closed session at 12.26 p.m.) \* Reclassified as Open session  
4 THE COURT OFFICER: We are in closed session, Madam President.  
5 (The witness stands down)  
6 THE COURT OFFICER: All rise.  
7 (Luncheon recess taken at 12.28 p.m.)  
8 \*(Upon resuming in closed session at 2.35 p.m.) Reclassified as Open session  
9 THE COURT USHER: All rise. Please be seated.  
10 PRESIDING JUDGE STEINER: Good afternoon. Welcome back. I think we are  
11 now in a healthier environment. We can therefore continue our hearing and for that  
12 purpose I ask, please, court usher to bring the witness in.  
13 (The witness enters the courtroom)  
14 PRESIDING JUDGE STEINER: We can turn into public session, please.  
15 (Open session at 2.37 p.m.)  
16 THE COURT OFFICER: We are in open session, Madam President.  
17 PRESIDING JUDGE STEINER: Thank you. Good afternoon, madam.  
18 THE WITNESS: (Interpretation) Good afternoon, your Honour.  
19 PRESIDING JUDGE STEINER: Did you have lunch and manage to rest a little bit?  
20 THE WITNESS: (Interpretation) Yes, ma'am, I was able to have lunch and rest  
21 before coming here.  
22 PRESIDING JUDGE STEINER: Are you feeling better with the medication you  
23 received?  
24 THE WITNESS: (Interpretation) Yes, I feel better, ma'am. I don't feel the pains in  
25 the abdomen that I was feeling earlier.



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1 PRESIDING JUDGE STEINER: In any case, if for any reason you need a break, you  
2 please just let me know and you can have as many breaks as you need. We are  
3 going to continue with your questioning by the Defence. Maître Liriss, you have the  
4 floor.

5 MR LIRISS: (Interpretation) Thank you, your Honour.

6 Q. Good afternoon once again, ma'am. (No interpretation). I don't know  
7 whether that is the case for you, but on the Defence bench --

8 THE INTERPRETER: Apologies from the interpreters. The microphone was not  
9 on.

10 MR LIRISS: (Interpretation)

11 Q. Ma'am, in a statement that you made to the investigators found in document  
12 CAR-OTP-0052-0063, that is the English version -- 0052-0063 as well as  
13 0055-0057 -- correction 56 in the French version, you made the following statement:  
14 "What I do know is that in a village when there is a leader, and the leader is still there,  
15 if that chief does horrible things or monstrous things one cannot judge him and  
16 I think that the authorities or the commanders that are there, who sent the  
17 lower-ranking people to commit the atrocities, and I think that they are still there, can  
18 one judge them and will this judgment occur after my death or now while I am still  
19 alive? That is what I'm wondering." Can you confirm that you made that  
20 statement?

21 A. I confirm that. That's what I said.

22 Q. What authorities and commanders in place were you referring to when you  
23 made that statement?

24 A. Well, when speaking about authorities, I was referring to the authorities of our  
25 country, because what happened to us on that day was indeed -- well, it was our

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1 authorities who called upon those people on the other side of the river to come and  
2 carry out those acts of violence and abuse. They did not do those things of their  
3 own -- on their own initiative, so I was referring to those authorities who are still  
4 there. That is why I was wondering. I asked myself once the authorities -- well, if  
5 the authorities are still there, can they be judged? That is what I was wondering.

6 Q. Thank you, ma'am. Now, it's not an identifying element for you, but which  
7 authorities in particular did you have in mind? You don't have to worry about  
8 giving the name.

9 THE INTERPRETER: The Sango interpreter did not hear the witness's reply.

10 PRESIDING JUDGE STEINER: Madam Witness, could you please repeat your  
11 answer. The interpreter could not follow you.

12 THE WITNESS: (Interpretation) Well, I'm wondering, do you want me to give a  
13 name?

14 MR LIRISS: (Interpretation)

15 Q. Indeed, ma'am, one, two, three names, as many as you think are necessary, or  
16 relevant.

17 PRESIDING JUDGE STEINER: Maître Liriss, maybe the witness feels more  
18 comfortable in giving names in private session and we should respect that, so you can  
19 consult the witness on this respect.

20 MR LIRISS: (Interpretation) You are correct, ma'am.

21 Q. Madam Witness, might it be better for us to deal with this in private session?

22 A. Yes, that's what I'd like. I'd like to say this in private, because I would like the  
23 truth -- I would like to say the truth and that is why I'm afraid of saying this in open  
24 session.

25 MR LIRISS: (Interpretation) Ma'am, if we could?

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

3 (Private session at 2.47 p.m.) \* Reclassified as Open session

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

5 MR LIRISS: (Interpretation)

6 Q. Witness, you may now say whatever you like. You can give all the names.

7 You are totally safe. Nothing that you say from this point on will be heard by the  
8 public, or by those who might be listening to this trial in any way, shape or form. So

9 if you don't mind, I will repeat my question. Now, you said that when you were  
10 speaking about the authorities in place you were speaking of or thinking of specific  
11 authorities in your country who are still there, the ones who called for the

12 Banyamulengue to come to their aid, and my question is as follows: Which  
13 authorities in your country are you thinking of, or were you thinking of?

14 A. Thank you, counsel. I will answer your question. The authorities in our  
15 country in question who are still there, well, I was wondering whether there would be  
16 justice one day. Speaking about the authorities I was referring to President Bozizé,  
17 because he was the head of the Central African Army when the Congolese crossed to  
18 come into our country and that is why I was wondering. I was wondering, since he  
19 is still fulfilling his duties, will there be justice one day? That is what I was  
20 wondering.

21 MR LIRISS: (Interpretation) Thank you, ma'am. Your Honour, I think that will  
22 suffice in terms of questions that we have to deal with in private session.

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

25 (Open session at 2.50 p.m.)

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

2 MR LIRISS: (Interpretation)

3 Q. Ma'am, in document CAR-OTP-0052-0019 - and I'm referring to the English  
4 version - you said that you didn't want your statement to be passed on to any national  
5 government; is that not so?

6 A. That's right.

7 Q. Was it for the reason that you just spoke of a few moments ago when we were  
8 in private session?

9 A. That's right, because in our country it is true that there may be leaks. You may  
10 say something and that might be used against you. That is why I'm afraid to give  
11 any names at all.

12 MR LIRISS: (Interpretation) Your Honour, this would be running too much of a  
13 risk in open session. I will ask you to be indulgent and allow us to go back into  
14 private session.

15 PRESIDING JUDGE STEINER: Court officer, please.

16 (Private session at 2.52 p.m.) \* Reclassified as Open session

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

18 MR LIRISS: (Interpretation)

19 Q. Witness, we are once again in private session, which gives you all the freedom  
20 you need to speak openly. Could you confirm that you're a member of OCODEFAD?  
21 You did that yesterday, but I think repeating that point will do no harm.

22 A. Yes, I confirm that I did join that NGO called OCODEFAD.

23 Q. I would like to show you two photographs and I would like you to tell us  
24 whether you recognise either one of the people, particularly the person who is  
25 dressed in yellow clothing. Mr Court Officer, that is exhibit 6 of our file; exhibits 4

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- 1 and 6. Four, 4.
- 2 PRESIDING JUDGE STEINER: Maître, level of confidentiality, please?
- 3 MR LIRISS: (Interpretation) Public, ma'am. Public.
- 4 PRESIDING JUDGE STEINER: We are in private session.
- 5 MR LIRISS: (Interpretation) That is a consequence, so I guess it is confidential.
- 6 Q. Ma'am, do you recognise this person whose photograph appears on the screen?
- 7 A. Yes, I do recognise that person.
- 8 Q. Could you tell the Chamber who that person is?
- 9 A. That is the founder of the organisation that I belong to.
- 10 Q. Could you tell the Chamber what the name of that person is, please?
- 11 A. Her name is Mrs Bernadette Sayo.
- 12 MR LIRISS: (Interpretation) Thank you, ma'am. Could we please now move on
- 13 to page 2 of this document, please.
- 14 Q. Witness, if we could look at the front of this photograph, this is the same lady, is
- 15 it not, the person wearing yellow?
- 16 A. Yes, that's her.
- 17 Q. And in front of her, who do you think that might be?
- 18 A. The people who are sitting are the victims.
- 19 Q. Ma'am, I can see three people who are seated, when you talk about people who
- 20 are seated, and the people who are standing, they are not?
- 21 A. All those people are victims and I beg your pardon for that omission. There
- 22 are several victims there.
- 23 MR LIRISS: (Interpretation) Don't worry, ma'am. Thank you very much. I no
- 24 longer require that photograph.
- 25 PRESIDING JUDGE STEINER: I think we should attribute an EVD-T number to

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1 both photographs.

2 THE COURT OFFICER: Yes, Madam President. The photographs shown in court  
3 today will be attributed EVD reference EVD-T-D04-00012 and will be marked as  
4 confidential since it was shown in private session unless otherwise instructed and  
5 these two photos are part of one and only document which is referenced as  
6 CAR-D04-0002-1287.

7 MR LIRISS: (Interpretation)

8 Q. Witness, the last time you met this lady, or spoke to this lady, before coming to  
9 give your testimony, do you remember when it was if -- do you remember the  
10 approximate time it was, if you no longer remember the date?

11 A. I think it was -- we haven't seen each other for a long time. Before, when she  
12 was responsible for the NGO, we did meet. Since she joined the government,  
13 because that is an authority, well, I don't regularly go to her house. Before I came  
14 here I hadn't been in Bangui but in Mongoumba. I came to Bangui two days before I  
15 came here to travel here. We haven't seen each other for a very long time.

16 Q. And the last time you spoke, do you remember that?

17 A. I don't remember. It was a long time ago and the other times when we had the  
18 opportunity to discuss matters we weren't alone, there was a group of us, and this  
19 happened at the headquarters when meetings were called. It was only on these  
20 occasions that we met and we discussed the organisation. Personally, when it comes  
21 to discussions with her, no.

22 Q. Witness, information in the possession of the Chamber and parties indicates that  
23 you had a (Redacted) and here I'm referring to  
24 submission 0105-0105-1002, confidential and redacted and, namely, paragraph 7  
25 thereof. What do you think of this information, madam? That is

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1 ICC-0105-0108-1002.

2 A. If you had asked me the question or if -- as to whether we had spoken on the  
3 phone I would have answered that differently, but that is different to meeting  
4 physically. If you say that (Redacted), or I can't remember what in  
5 July, she called me on the phone, I gave this information. There are certain things  
6 that I don't know. I am in an organisation and I'm afraid of revealing certain things  
7 here. When she called me, it was in the evening or it was in the night. I was  
8 sleeping and she called me and she stated a certain number of things concerning my  
9 steps coming here and that's what I wanted to tell you.

10 Q. That's probably my fault. I wanted to talk about your communication by  
11 phone. I didn't want to set a trap or anything. Please don't be concerned. We are  
12 in private session here. You can say everything. You are before professional  
13 Judges. You have come to tell the truth, to help that the truth be established. You  
14 are before professionals here who as their first rule is confidentiality. That's  
15 primordial. You have sworn an oath to tell the truth, the whole truth. Please do  
16 not hesitate to tell us what was said in this telephone conversation.

17 A. As I said, if I hadn't given this information you would have never known about  
18 it. Yes, she did call me. We were in this NGO. We had been collaborating.  
19 I don't know how she came into government. Now she is one of the authorities.  
20 We had the opportunity to meet on several occasions, or in certain meetings.  
21 She therefore called me and this call was made at night. She asked me a question, or  
22 she asked me the question firstly -- well, she asked me the question of, if I received a  
23 call from the ICC. She'd asked me if I had contact with these persons from the ICC.  
24 Thereafter, she asked me if I had my passport with me to hand, but this passport is  
25 something I did not have to hand. The investigators of the ICC or those who worked

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1 for the ICC had already taken the passport because they were taking steps to ensure  
2 our arrival here and I asked, why did she ask me where my passport was, and she  
3 said that she thought I still had my passport, because I do not want you to travel.  
4 And I asked the question, "Is there a problem?", and she said, "If I have the time I will  
5 call you to explain that," and on that night I was very afraid. It was at night and I  
6 waited for the morning and I called the ICC and I said that there had been such an  
7 event during the night. I was afraid. And the person said, "That's fine and I've still  
8 got your passport. Please calm down and if this lady calls you back, you have to tell  
9 them," and after that she never called me.  
10 Two days afterwards I called the ICC and I told them that she hadn't called. She still  
11 hadn't called, because you asked me the question to -- well, whether we had seen each  
12 other and I think you have to make a distinction between receiving a telephone call  
13 and meeting each other face-to-face.

14 Q. Very well, madam. We do make a distinction between the two. In your  
15 opinion, why, why did the President of OCODEFAD want to have your passport?  
16 Why did she not want you to come here?

17 PRESIDING JUDGE STEINER: Do you want the witness to speculate on the reasons  
18 for the President of OCODEFAD to call her in the middle of the night?

19 MR LIRISS: (Interpretation) No, madam. I don't think it is speculation as such.  
20 If she says that she doesn't know, then she doesn't know, but it might be the case that  
21 she does know. I think the Chamber does need precise information in that regard,  
22 unless it considers that this fact is enough to have an idea of it.

23 PRESIDING JUDGE STEINER: So please rephrase your question to ask the witness  
24 whether she knows the reason why the question was put to her.

25 MR LIRISS: (Interpretation) Precisely.



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1 Q. Madam, the President asked me to put the question to you differently. In fact,  
2 do you know the reason why Madam Sayo asked you if you still had your passport?

3 A. Because she asked me if I still had my passport. Firstly, she asked me the  
4 question as to whether I had my passport to hand. I said "Yes, I've still got my  
5 passport," but I don't know why she asked me this question. I don't know what she  
6 was thinking of when she asked me that, because I didn't meet her for her to give me  
7 the reasons why she asked the question as to whether I still had my passport on me.

8 Q. Thank you, madam. The passport in question, to put the question better, have  
9 you had your passport for many years?

10 A. I have a passport which was issued in (Redacted) and, in order to fulfil the formalities  
11 to come here, the ICC employees asked if I had a passport or not and I said that I  
12 already had my passport. I also had my vaccination card which they took and they  
13 kept. They've had these documents for a long time. The trial was meant to start,  
14 but it was delayed. During all that time the employees of the ICC had my passport.

15 Q. Very well, madam, but the essential question is under what circumstances did  
16 Madam Sayo have -- well, how did she know that you had a passport; that you were  
17 in possession of a passport?

18 A. You're right to ask this question, because the passport that (Redacted)  
19 (Redacted). It was  
20 at that time that I had this passport made and it was at that time that she knew that I  
21 already had a passport.

22 Q. Within the same framework -- was it within the same framework that (Redacted)  
23 (Redacted) which you spoke about yesterday?

24 A. Yes, that's correct. (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. Was Madam Sayo (Redacted) madam?

3 A. Yes, (Redacted)

4 Q. Do you know the organisation, or the person, who was responsible for these  
5 (Redacted)?

6 A. I know that it was (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. Have you met officials (Redacted)?

10 A. No, we haven't met authorities. (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. Do you know if (Redacted)

14 (Redacted)?

15 A. To the best of my knowledge, no, because (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. I understand (Redacted) I have a

22 question for you. On the day of this, Madam Sayo, was she already a minister at the  
23 time of (Redacted)

24 A. Yes, she was already a minister.

25 Q. I was asking you the question as to whether (Redacted)

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1 (Redacted) You said you don't think so. Could you tell me, (Redacted)  
2 would you be aware of that?

3 A. It is not for nothing that I say no, because (Redacted)  
4 (Redacted)  
5 (Redacted)  
6 (Redacted)

7 Q. Thank you very much, madam. Yesterday you stated that you had taken part  
8 in different meetings with OCODEFAD in Bangui. Do you remember a meeting  
9 which was organised with the Prosecutor of the International Criminal Court?

10 A. When the Prosecutor of the International Criminal Court went to Bangui, he  
11 called a meeting at the ICJ, a meeting during which there were a lot of people and  
12 myself, I took part in that meeting.

13 PRESIDING JUDGE STEINER: Should we continue in private session?

14 MR LIRISS: (Interpretation) I think she would be more at ease to say certain things  
15 for that to be the case, your Honour.

16 Q. Madam, can you tell the Chamber what was said in the Prosecutor's speech of  
17 the ICC, if you would be so kind?

18 A. I didn't remember all of his speech. There were a lot of people there. He  
19 spoke in English and his message must have been translated into French. I'm not  
20 educated enough. I wasn't able to grasp the thrust of his message in order to be able  
21 to tell you that today, what he told us. Well, he told us that one day there would be  
22 a trial. That would take time. What was sure is that there would be a trial one day.  
23 That is what I was able to remember. That's what I could remember from it. I  
24 wasn't able to remember all of it, or to grasp all of it.

25 Q. Which is completely normal, madam. At any time, did he speak about

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1 responsibility or the persons who he intended to prosecute?

2 A. I don't remember him mentioning any names. He gave time to the victims to  
3 be able to speak about what had happened to them. Myself, I spoke as a victim. I  
4 introduced myself and I explained what had happened to me, and he was saddened  
5 by it, and that's why he reassured us that one day there would be a trial, but it would  
6 take time and that it would take time, but it would conclude.

7 Q. Thank you, madam. We are going to finish with questions relating to private  
8 session. Just to go back a bit, I think I missed something. You spoke about the  
9 responsibility of the current President during the events of the past from your point  
10 of view. President Patassé, is he also responsible in some way?

11 A. That's too much for me to be able to answer that question; I'm not part of the  
12 government. I don't know what responsibility you're talking about. What I do  
13 know is that when the Congolese arrived, he was the Head of State, but I didn't get  
14 close to them to say what I had understood therefrom.

15 Q. No, no, I understand. I have spoken about the Chief of Staff and the question  
16 that I would like to ask you with regards to the Head of State at the time, who was  
17 Patassé?

18 A. I don't know. Where it concerns President Patassé, I don't know what to tell  
19 you. All I know is that at the time there was a mutiny. Where it concerns the  
20 events of 2003, 2002/2003, those were events that we saw under his regime.

21 Q. I'm going to change subject now, madam, and now we've spoken about the  
22 participation forms for victims. Do you remember us speaking about those  
23 application forms, madam?

24 A. Yes, I do remember, counsel.

25 Q. Did you fill in the form yourself, by yourself?

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1 A. No, I didn't fill it in. I was asked questions, I spoke and somebody else filled it  
2 in. I couldn't fill in such a document myself.

3 PRESIDING JUDGE STEINER: Maître Liriss, could we go into public session?

4 MR LIRISS: (No interpretation).

5 PRESIDING JUDGE STEINER: Court officer, please.

6 (Open session at 3.26 p.m.)

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

8 MR LIRISS: (Interpretation)

9 Q. Witness, if you would be so kind, you say that there are certain people that have  
10 helped you. What organisation do these people belong to, or did these people  
11 belong to? OCODEFAD, or were they members of the Court?

12 A. They were -- well, there was (Redacted)  
13 (Redacted) I don't know about the other  
14 victims, if they went to the ICC office in order to fill in their forms. I don't know that.  
15 As far as I'm concerned, (Redacted)

16 (Redacted)

17 Q. Madam, we have finished with this subject. I just have one question for  
18 clarification purposes, and I can tell you that you are free to go back to the sun  
19 thereafter. Yesterday we had a problem where it concerned the transcript and the  
20 translation in French and in English. Given that I ask this question today in French,  
21 for the needs of the record I hope that this question shall be resolved for once and for  
22 all. In the transcript, in real-time of yesterday, page 56 in French and page 42 in  
23 English, to the question that was put to you, 11 and following in French, 18 and  
24 following in English, "Did someone from OCODEFAD prepare you for the interviews  
25 with the investigators of the Prosecutor?", in answer to that you said, "No, I received

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1 no advice from OCODEFAD in this sense. Do you know when the officials come  
2 from The Hague, when they go to Bangui they give advice to us. They tell us how to  
3 prepare the thing, how to speak and I behaved in accordance with that." Is that  
4 indeed the statement that you made yesterday?

5 A. Yes, that's what I said yesterday, but you just read out something and I don't  
6 understand it. I can't manage to understand it.

7 Q. Would you like me to read it out again?

8 A. Yes, you can read it out again.

9 Q. As you wish, ma'am. This is line 15 in French, "Now, you see, when the  
10 officials come from The Hague, when they go to Bangui they give us advice. They  
11 tell us how to present matters, how to speak, and I behaved accordingly." Is that  
12 correct, ma'am?

13 A. Yes, that's what I said yesterday, but I have some doubts. Did I speak about  
14 officials from The Hague? I don't think so. I meant the investigators who were  
15 there, who were asking us questions. Up until then, I hadn't understood the  
16 substance of the question. I didn't understand. I do know one thing: The officials  
17 from The Hague who went there were investigators. They would go and have a  
18 meeting in a quiet place to hear what we said. They explained to us that everything  
19 had to be done on a confidential basis. After our interview I would go back home  
20 without telling anyone at all about anything, but I don't recognise what you've just  
21 read out. I don't understand.

22 MR LIRISS: (Interpretation) Don't worry, ma'am. The word "investigator" or  
23 "official" it really is the same thing, but I just wanted to make sure that you had made  
24 that statement because there was ambiguity in terms of the English and the French  
25 versions. Your Honour, the Defence has concluded with Witness 29 and we are at

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1 your disposal.

2 Madam, the Defence team wishes to thank you for being here and for answering the  
3 questions so clearly. We wish you a safe trip back home to the sunshine. Thank  
4 you very much.

5 PRESIDING JUDGE STEINER: Thank you very much, Maître Liriss.

6 THE WITNESS: (No interpretation)

7 PRESIDING JUDGE STEINER: Thank you very much. Please, Maître Liriss.

8 (Trial Chamber confers)

9 PRESIDING JUDGE STEINER: Madam, I just have one clarification I need from you.

10 For that purpose, I ask the court officer whether the document -- the document  
11 ICC-01/05-01/08-256-Conf-Anx 17, it's a confidential document, whether it's possible  
12 to have this document on the screen? Apparently, it was -- the annex was  
13 reclassified as confidential, it is annex 17, page 24/25. Yes. Yes, it is this one.  
14 Madam, can you see this document in your screen which is (Interpretation) "The  
15 Additional Information Regarding Application"?

16 THE WITNESS: (Interpretation) Yes, I can see that document.

17 PRESIDING JUDGE STEINER: In this -- in item 1 in the big paragraph, at the end of  
18 this big paragraph, it is said (Interpretation) "When the third soldier got up and a  
19 shot rang out, later I discovered that the gunshot had killed my cousin." (Speaks  
20 English) The woman you referred to as being killed was your relative? Is the  
21 information here correct?

22 THE WITNESS: (Interpretation) Yes, that is the truth, because (Redacted)  
23 (Redacted) We lived in the same  
24 neighbourhood.

25 PRESIDING JUDGE STEINER: Sorry to interrupt you. We can go please briefly

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1 into private session, court officer.

2 (Private session at 3.41 p.m.) \* Reclassified as Open session

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

4 PRESIDING JUDGE STEINER: I'm sorry, madam, it was my fault. Could you  
5 please repeat your answer. Now we are in private session, you feel free to talk about  
6 this victim.

7 THE WITNESS: (Interpretation) As I have already told you, the lady who was shot  
8 was not a young girl; she was an adult woman. (Redacted)  
9 (Redacted) That's what I know about her.

10 PRESIDING JUDGE STEINER: Thank you very much. This was the clarification I  
11 needed. We can turn into public session, please.

12 (Open session at 3.43 p.m.)

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

14 PRESIDING JUDGE STEINER: Thank you very much. I would like to ask the  
15 Prosecution whether the Prosecutor intends to re-direct?

16 MS KNEUER: No, thank you, Madam President.

17 PRESIDING JUDGE STEINER: Maître Liriss, since you have as always the last word,  
18 do you have anything else you would like to ask?

19 MR LIRISS: (Interpretation) No, your Honour, but I'm very sorry to point out that  
20 that last document was never disclosed to the Defence. We have no further  
21 questions.

22 PRESIDING JUDGE STEINER: Maître Liriss, maybe you should check, because  
23 according to our information, the information we have here, this last redacted version  
24 was filed on 18 November 2008, so still in pre-trial phase, and the letter I just read a  
25 part of the letter is annexed to the application. So it was disclosed to the Defence.



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1 It was given to the Defence, at least according to the information we have. It was  
2 first filed as "Confidential Ex Parte VPRS Only" and then reclassified as "Confidential"  
3 and therefore the Defence had access to it. It's filing 256.

4 MR LIRISS: (Interpretation) If you don't mind, one of the other case managers will  
5 provide me with some explanations. Correction, our case manager will give me  
6 other explanations. Unfortunately, the disclosure was made on 21 January 2011 and  
7 that's number 323 confidential annex 5 redacted, and the page that you referred to we  
8 do not have. We are quite sure of that. Thank you, ma'am.

9 PRESIDING JUDGE STEINER: Maître Liriss, you received upon an order of the  
10 Chamber a last redacted version of the application. The annexes to the application  
11 were filed as confidential and I have it here in front of me. It is filing 256  
12 confidential annex 17, on 18 November 2008, so this document of course was not sent  
13 to the Defence again because the Defence already had the document. Only the last  
14 redacted version of the application itself was given a new version to the Defence.  
15 So I would like the Defence to check again, because according to my information this  
16 was a confidential filing, and therefore the Defence should have been notified of that.  
17 18 November 2008.

18 MR LIRISS: (Interpretation) That's not a problem, ma'am. We will check and if  
19 ever I realise that we are incorrect we will inform you, but if we are -- if we did not  
20 receive it we will inform you thereof by way of an email.

21 PRESIDING JUDGE STEINER: Of course, Maître Liriss, and then the Chamber will  
22 be the first one to recognise if the Chamber made a mistake on this issue.  
23 Madam, I'm sorry for this discussion and you had to be there just waiting. It was on  
24 a procedural matter. We come now to the end of your testimony and the Chamber  
25 would like to thank you very much for being ready, willing and available to come to

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1 this Court to give evidence in this case. In order for the Chamber to find the truth,  
2 it's crucial that persons like yourself are willing to come, even facing difficulties, to  
3 come and give testimony before this Court.  
4 For reasons that were not in our hands, you had to wait for more than a week after  
5 your familiarisation process in order to be called and, really, we do apologise for that  
6 and we hope that we did not create too much inconvenience for you.  
7 So you go back home now with the thanks of the Court for your cooperation but,  
8 before you go, the Chamber would like to ask you whether you have anything that  
9 you would like to tell us? Whatever you want, please, you have now the  
10 opportunity to address the Chamber if you so wish.  
11 THE WITNESS: (Interpretation) I would like to express my gratitude to all of you,  
12 to the Judges, to the Prosecution, the Defence. I would also like to thank all the  
13 people who are here and I thank God, because I prayed to God and I told him that  
14 what had happened to me, if I ever had an opportunity to give testimony about that it  
15 would be a relief and not just for me, but also for the -- for people who are fearful, and  
16 also to ensure that similar crimes are not committed against other people.  
17 I am -- my heart is full of joy, because I have given testimony and tomorrow it will be  
18 my birthday. To conclude, once again I thank you. Thank you, everyone.  
19 PRESIDING JUDGE STEINER: Once again we thank you very much, madam.  
20 Now we are turning into closed session in order for the witness to be taken outside  
21 the courtroom. Court officer, please.  
22 (Closed session at 3.53 p.m.) \* Reclassified as Open session  
23 THE COURT OFFICER: We are in closed session, Madam President.  
24 (The witness is excused)  
25 PRESIDING JUDGE STEINER: We can turn into open session, please.

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1 (Open session at 3.54 p.m.)

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

3 PRESIDING JUDGE STEINER: Thank you very much. I was informed that the  
4 Prosecution intends to make an oral submission. Ms Kneuer.

5 MS KNEUER: Thank you very much, Madam President, your Honours. I would  
6 have to make this oral submission in private session, please.

7 PRESIDING JUDGE STEINER: Court officer, please.

8 (Private session at 3.55 p.m.) \* Reclassified as Open session

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

10 MS KNEUER: Madam President, your Honours, the Prosecution was informed  
11 shortly before noon today by the Victims and Witnesses Unit that Witness (Redacted), who is  
12 scheduled to testify next, has now raised some concerns regarding her upcoming  
13 testimony in public. As the Chamber is already aware, (Redacted)  
14 (Redacted) This decision was  
15 communicated to the witness.

16 However, today, Witness (Redacted) informed the VWU that she fears for her safety if she  
17 testifies in public. The witness expressed her concern that (Redacted) the  
18 knowledge of her identity could lead to some negative impact if the public were to  
19 know that she is testifying before the Court.

20 She expressed these fears after watching the video testifying before ICC. Witness  
21 (Redacted) said she had assumed that every witness testifying before the Court would be  
22 automatically granted protective measures, including face and voice distortion and  
23 assignment of a pseudonym.

24 The witness further said that (Redacted)

25 (Redacted) Therefore, she fears

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1 that testifying in public would subject her to risks, in particular from people in Bangui  
2 and from people from the other side as well.

3 As a result of the witness's expressed concerns regarding possible repercussions of  
4 her testimony in public, which the VWU and the Prosecution were only made aware a  
5 few hours ago, the Prosecution respectfully moves the Chamber to consider this  
6 urgent request for special measures in order to protect the physical and psychological  
7 well-being, dignity and privacy of Witness (Redacted).

8 In making this application, the Prosecution relies on Articles 68(1) and 64(2) of the  
9 Rome Statute as well as Rule 88 of the Rules of Procedure and Evidence which  
10 authorises the Court to take such measures in order to facilitate the testimony of the  
11 witness.

12 Specifically, the Prosecution requests the Chamber to authorise; first, image and voice  
13 distortion; second, continued in-court use of the witness number or pseudonyms; and  
14 third, private sessions for the portions of Witness (Redacted) testimony where she provides  
15 information that would tend to disclose her identity, or the identity of others such as  
16 victims of rape.

17 Witness (Redacted) provides evidence in relation to the counts of rape, pillaging and murder.

18 She provides information regarding a number of victims, including their identities.

19 She further provides information on (Redacted)

20 (Redacted)

21 Witness (Redacted) only has access to (Redacted)

22 (Redacted) Although at present the objective risk

23 of retaliation against the witness is considered to be low, the Prosecution requests that

24 the measures should be granted in order to facilitate the testimony of Witness (Redacted) due

25 to her subjective perception of the risk.

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1 Additionally, the Prosecution submits that such measures will preserve the accused's  
2 right to a fair and public trial, whilst protecting the witness because, first, Witness  
3 (Redacted) identity and evidence is known to the Defence; second, with the requested  
4 measures in place the Defence will be able to examine Witness (Redacted) publicly, except on  
5 discrete matters that bear on Witness (Redacted) identity which would not restrict the  
6 Defence's ability to present its case during examination of this witness; and third, the  
7 requested measures are intended to prevent the public from knowing the identity of  
8 Witness (Redacted). However, the public will still hear her substantive evidence as this will  
9 be presented in open court.

10 Moreover, the Prosecution submits that the Chamber has granted such measures to  
11 other witnesses, notably Witnesses (Redacted) and (Redacted), who have similar positions in their  
12 communities in order to facilitate the testimony.

13 As Witness (Redacted) cooperation with the Court is not known to the public, and in the  
14 light of the witness's concerns, the Prosecution respectfully requests the Chamber to  
15 grant these special measures as they would enable Witness (Redacted) to provide her  
16 testimony freely as well as allow her to continue (Redacted)  
17 (Redacted) without the fear of possible threat or  
18 harassment to her or her family as a result of her testimony before this Court. Thank  
19 you, Madam President, your Honours.

20 PRESIDING JUDGE STEINER: Thank you, Ms Kneuer. First, I would like to  
21 consult our interpreters and court reporters on whether we could have maybe  
22 between five and ten more minutes in order to issue an oral decision on this issue?

23 THE INTERPRETER: We can indeed grant five more minutes, your Honour, or ten  
24 more minutes, in order to -- whatever is necessary to issue the decision.

25 PRESIDING JUDGE STEINER: Thank you very much. Therefore, I ask Maître

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1 Liriss if Maître Liriss is in a position to respond to the Prosecution's submission?

2 MR LIRISS: (Interpretation) Your Honour, in a general way, we really see no  
3 problem with measures being taken for somebody's protection who is coming to  
4 show the truth. We would refer at this level to your wisdom in a very specific way.

5 I would wish for the Chamber to bear in mind that (Redacted)

6 (Redacted)

7 (Redacted) which in principle

8 should be feared but not fear.

9 Now, this is just a little aside here that I'm making. Whatever the case, if there is a  
10 need, if in the interests of justice require such an appearance, and in order to do so  
11 then that is a request that should be granted.

12 PRESIDING JUDGE STEINER: Thank you very much, Maître Liriss. Before the  
13 Chamber issues its decision on the Prosecution's request, I just have a reminder to the  
14 Defence that we are going to start with the Witness (Redacted) on Friday morning.  
15 Therefore, the Chamber hopes that the Defence can comply with the three days' delay  
16 to file its list of evidence. There's plenty of time for the Defence to file in accordance  
17 with the decision on directions on the conduct of the proceedings its list of  
18 evidence -- not list of evidence, thank you Judge Aluoch, the list of documents the  
19 Defence intends to use during its questioning of the witness.

20 (Trial Chamber confers)

21 PRESIDING JUDGE STEINER: So now with all elements needed, the Chamber is  
22 in a position to issue its oral decision on the Prosecution's request for protective and  
23 special measures for Witness (Redacted).

24 (Redacted)

25 (Redacted)

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- 1 (The hearing ends at 4.16 p.m.)
- 2 RECLASSIFICATION REPORT
- 3 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 4 ICC-01/05-01/08-3038 and the instructions in the email dated 3 October 2013, the
- 5 version of the transcript with its redactions becomes Public