

Trial Hearing

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo -
5 ICC-01/05-01/08
6 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
7 Judge Kuniko Ozaki
8 Trial Hearing
9 Wednesday, 2 February 2011
10 (The hearing starts in open session at 9.36 a.m.)
11 THE COURT USHER: All rise. The International Criminal Court is now in session.
12 Please be seated.
13 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
14 in open session.
15 PRESIDING JUDGE STEINER: Good morning. Could, please, the court officer call
16 the case.
17 THE COURT OFFICER: Yes, your Honour. Situation in the Central African
18 Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, case
19 reference ICC-01/05-01/08.
20 PRESIDING JUDGE STEINER: Thank you very much. I welcome the Prosecution
21 team, the legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba
22 Gombo, our interpreters and court reporters.
23 I was informed a few minutes earlier that Mr Jean-Pierre Bemba Gombo is not really
24 feeling well. Please feel free to inform the Bench at any time. If you need a break,
25 you just let us know through your counsel. Feel comfortable with that.

1 So having completed the evidence of Witness 81 on Monday, the Chamber will now
2 proceed with hearing the evidence of Witness 82 for whom protective measures were
3 granted by oral decision in the hearing on 20 January 2011 and are similar to those
4 that were granted for the previous two witnesses.

5 The Chamber has also received a psychological assessment from VWU psychologist
6 sent yesterday afternoon containing recommendations to assist the witness in giving
7 her evidence, including in-court assistance from a VWU support assistant who can sit
8 next to the witness in court and also the presence of the psychologist in court to
9 monitor the witness as required.

10 The assessment also makes a similar recommendation as for previous witnesses
11 regarding the manner in which counsel asks questions, with particular regard to
12 witness's level of literacy.

13 The Chamber agrees that the recommendations should be followed in accordance
14 with Article 68 of the Statute, Rule 87 and 88 of the Rules of Procedure and Evidence
15 and Regulations 91 and 94 of the Regulations of the Registry and so authorises these
16 special measures to be put in place.

17 Before bringing the witness into court, the Chamber has a short oral decision on the
18 applications to question Witness 82 by both legal representatives of victims.

19 On 25 January 2011, the Chamber received an application from Maître Zarambaud on
20 behalf of the victims that he represents to question Witness 82. It's filing 1167
21 confidential. The application contains a list of five questions.

22 On 26 January 2011, Maître Douzima filed a similar application to question Witness
23 82 containing a list of 11 questions. It's filing 1171 confidential.

24 Having considered the reasons given by both Maître Zarambaud and
25 Maître Douzima as to why the personal interests of the victims that they represent are

1 affected, the Chamber allows both legal representatives to put their proposed
2 questions to Witness 82.

3 Court officer, please, could we go into closed session for a while in order for the
4 witness to be brought into the courtroom.

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

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

7 PRESIDING JUDGE STEINER: I'm informed that for the next ten or 15 minutes

8 maybe the witness is not available to come to the court. She's at this moment

9 (Redacted) so we're going to suspend for 15 minutes and we'll be back at

10 10 o'clock.

11 THE COURT OFFICER: All rise.

12 (Recess taken at 9.45 a.m.)

13 (Upon resuming in closed session at 10.01 a.m.)

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

15 PRESIDING JUDGE STEINER: So I ask, court officer, please bring the witness in.

16 (The witness enters the courtroom)

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

18 (Open session at 10.02 a.m.)

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

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

21 THE WITNESS: (Interpretation) Good morning, Madam President.

22 PRESIDING JUDGE STEINER: Do you feel ready to start giving your testimony
23 before this Court?

24 THE WITNESS: (Interpretation) Yes, I am ready.

25 PRESIDING JUDGE STEINER: Thank you. You are very welcome to this Court

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Witness: CAR-OTP-PPPP-0082

1 and, before we start with your testimony, the court officer will read to you the words
2 of your oath and I ask you please to repeat these words. Court officer, please.

3 THE COURT OFFICER: Yes, Madam President. If I may, I will switch into French
4 to read the oath. (Interpretation) I solemnly declare that I will speak the truth, the
5 whole truth and nothing but the truth.

6 PRESIDING JUDGE STEINER: Were the interpreters able to translate, to interpret
7 the oath?

8 THE INTERPRETER: No.

9 PRESIDING JUDGE STEINER: Madam Witness, may I ask you please to sit a little
10 bit closer to the microphone since the interpreters were not able to hear you. Thank
11 you very much. I will now ask the court officer to repeat the words of the oath
12 because we have -- we need to have them in the record of the case. I'm really sorry
13 for that. Court officer, please.

14 THE COURT OFFICER: (Interpretation) Yes, Madam President. I solemnly
15 declare --

16 THE WITNESS: (Interpretation) I solemnly declare --

17 THE COURT OFFICER: (Interpretation) -- that I will speak the truth --

18 THE WITNESS: (Interpretation) -- that I will speak the truth --

19 THE COURT OFFICER: (Interpretation) -- the whole truth --

20 THE WITNESS: (Interpretation) -- the whole truth --

21 THE COURT OFFICER: -- and nothing but the truth.

22 THE WITNESS: (Interpretation) -- and nothing but the truth.

23 WITNESS: CAR-OTP-PPPP-0082 (Sworn)

24 (The witness speaks Sango)

25 PRESIDING JUDGE STEINER: Thank you very much. Madam Witness. Now

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1 that you have taken the oath, can I confirm that you understand what the oath
2 means?

3 THE WITNESS: (Interpretation) Yes, I do understand.

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

6 THE WITNESS: (Interpretation) Yes, I do understand.

7 PRESIDING JUDGE STEINER: Thank you very much, Madam. As you will have
8 had explained to you by the Victims and Witnesses Unit during your familiarisation
9 process since arriving in The Hague, you will be questioned by the Prosecution, by
10 the legal representatives of victims and by the Defence.
11 The Chamber has put in place measures to protect your identity from the public and
12 so you will be referred to all the time not by your name, but as "Witness 82" or as
13 "Madam Witness," "Witness." Your voice and your image that is broadcast outside
14 the courtroom will be distorted so the public outside the courtroom cannot identify
15 you by your face or by your voice. You also have a supporting person sitting at
16 your side. At any time you feel tired or distressed, or you need or want a break, just
17 let us know and you will have as many breaks as you want.

18 Do you understand that, Madam?

19 THE WITNESS: (Interpretation) Yes, I do understand.

20 PRESIDING JUDGE STEINER: Madam, because we speak different languages,
21 there is interpretation so that we can understand each other. Because of this, it's
22 important that you speak very slowly, slower than normal, to allow the interpreters
23 to do their job, as I'm doing it now, speaking very slowly.
24 Sometimes, and because this can seem unnatural, it may be that you start speeding
25 up and I will have to interrupt you and ask you to slow down. This is purely for

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1 practical reasons and should not discourage you from speaking. Did you
2 understand, Madam?

3 THE WITNESS: (Interpretation) Yes, I have understood.

4 PRESIDING JUDGE STEINER: Thank you very much. I have a few questions to
5 put to you before you start giving your testimony. During your familiarisation
6 process, have you been given the opportunity to read or have read to you the
7 statement or statements that you made to the Court?

8 THE WITNESS: (Interpretation) I was given that possibility.

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

11 THE WITNESS: (Interpretation) I gave the statement voluntarily.

12 PRESIDING JUDGE STEINER: Is the information that you have provided in your
13 statement or statements true and accurate to the best of your knowledge and
14 understanding?

15 THE WITNESS: (Interpretation) Yes, that information is true.

16 PRESIDING JUDGE STEINER: Thank you very much. Now you will start giving
17 your testimony and starting by the Prosecution that will put to you some questions.
18 I want to remind you that any time if you need a break, just let us know. Mr Bifwoli.

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

20 QUESTIONED BY MR BIFWOLI:

21 Q. Good morning, Madam Witness.

22 A. Good morning, Mr Prosecutor.

23 Q. Madam Witness, my names are Thomas Bifwoli and I represent the Prosecution.

24 Thank you very much for your presence today. Before I proceed, I want to inform
25 you that I'll put questions to you in English which will then be translated into Sango

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1 for you and vice-versa for me. We will both need to speak slowly and into the
2 microphone and try to pace ourselves so as to allow the interpreters to interpret into
3 both English and Sango. Do you understand?

4 A. I do understand.

5 Q. I will ask you some questions regarding your experience during the 2002 to
6 2003 conflict in the Central African Republic. During the questioning I will ask you
7 different types of questions; these may include "When?" "Why?" and "How do you
8 know?" questions. Please do not take offence if you are asked these questions. It is
9 important for the Court to understand the basis of your knowledge of the facts. Do
10 you understand?

11 A. I understand.

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

18 A. I understand.

19 Q. Thank you, Madam Witness. If at any time you need a break please let us
20 know and, as Madam President has pointed out, you'll be given as many breaks as
21 you need.

22 Madam President, your Honours, I now request to go into private session so that
23 I can elicit the personal particulars of the witness.

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

25 *(Private session at 10.21 a.m.) Reclassified as Open session

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- 1 THE COURT OFFICER: We are in private session, Madam President.
- 2 PRESIDING JUDGE STEINER: Madam Witness, we are now in private session.
- 3 Private session means that nobody outside the courtroom can listen to what you are
- 4 saying. Therefore, all information you give now is protected. It doesn't go outside
- 5 the courtroom. Mr Bifwoli.
- 6 MR BIFWOLI: Thank you, Madam President and your Honours.
- 7 Q. Madam Witness, what is your full name?
- 8 A. My name is (Redacted).
- 9 Q. What is your father's name?
- 10 A. (Redacted).
- 11 Q. And what's your mother's name?
- 12 A. (Redacted).
- 13 Q. Madam Witness, where were you born?
- 14 A. I was born at the Begoua Hospital.
- 15 Q. And what is your date of birth?
- 16 A. I no longer remember my date of birth.
- 17 Q. Thank you, Madam Witness. And what is your nationality?
- 18 A. I am from (Redacted).
- 19 Q. In which country is (Redacted)?
- 20 A. It is towards (Redacted).
- 21 Q. Thank you, Madam Witness. Is this within the Central African Republic?
- 22 A. Yes.
- 23 Q. Are you married, Madam Witness?
- 24 A. No.
- 25 Q. And do you have a partner?

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- 1 A. Yes, I have a partner.
- 2 Q. What is the name of your partner?
- 3 A. His name is (Redacted).
- 4 Q. And do have children?
- 5 A. Yes, I have (Redacted) children.
- 6 Q. And what's your ethnicity? Thank you, Madam Witness. Maybe I will repeat
- 7 my question. What is your ethnicity?
- 8 A. I am from the (Redacted) ethnic group.
- 9 Q. What languages do you speak and understand?
- 10 A. I do not understand the language of my ethnic group very well; rather I
- 11 understand the language of my grandmother.
- 12 Q. Please tell the Court the languages that you understand and that you are able to
- 13 speak. It need not be your own ethnic, just the ones you're able to understand and
- 14 probably speak.
- 15 A. I do not know. I understand my grandmother's language when she speaks to
- 16 me, but I do not speak that language fluently.
- 17 Q. Thank you, Madam Witness. Which language does your grandmother speak
- 18 to you?
- 19 A. It is (Redacted).
- 20 Q. And what's the name of your grandmother?
- 21 A. Her name is (Redacted).
- 22 Q. And where do you live at the moment?
- 23 A. I live with my husband.
- 24 Q. What is the name? What is -- which place do you live with your husband?
- 25 A. It's at (Redacted).

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1 Q. Thank you, Madam Witness. In which town do you live with your husband?

2 A. On the (Redacted).

3 Q. Thank you, Madam Witness. You've told the Court that the name of your
4 partner is (Redacted). Does he have any other name?

5 A. (Redacted) is my father's name.

6 Q. Sorry, Madam Witness, the mistake was mine. Yes, you've told the Court
7 (Redacted) is your father's name. Does he have any other name?

8 THE INTERPRETER: The Sango booth notes that the witness didn't finish her
9 sentence.

10 MR BIFWOLI:

11 Q. Madam Witness, the interpreters did not hear you well, so I request you to
12 repeat your answer and speak directly into the microphone so that they can be able to
13 hear and interpret. Thank you, Madam Witness.

14 Madam Witness, I would like to repeat my question. Maybe you did not hear it well.

15 My question is: Is your father known by any other name other than (Redacted)?

16 Is he known by any other name in addition to (Redacted)?

17 A. No.

18 Q. What about your partner? Is he known by any other name?

19 Madam Witness, I don't know whether you're able to hear me well, but probably I
20 will repeat my question again. Is your partner known by any other name in
21 addition to what you've just told the Court?

22 A. He has another name, which is (Redacted).

23 PRESIDING JUDGE STEINER: Mr Bifwoli, from the transcript it appears that there
24 is some misunderstanding between another name of the father and another name of
25 the partner. So "Is your father known by any other name than (Redacted)?", and

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1 then you ask again, "What about your partner? Is he known by any other name?"

2 Maybe the witness is a little bit confused whether you're asking about the father's or
3 partner's name.

4 MR BIFWOLI: Thank you, Madam President and your Honours. I will clarify that
5 with the witness.

6 Q. Madam Witness, you've told the Court the names of your partner. We are
7 now talking about your partner. Is he known by any other name, your partner?

8 JUDGE ALUOCH: Sorry, Mr Bifwoli, any name other than what? What she has
9 given, repeat to her what she gave.

10 MR BIFWOLI: Thank you, your Honour and Madam President.

11 Q. Madam Witness, a short while ago you told the Court your partner's name was
12 (Redacted) is that correct?

13 A. (Redacted).

14 Q. Thank you, Madam Witness. In addition to this name (Redacted), does he
15 have any other name?

16 A. No.

17 MR BIFWOLI: Thank you, Madam Witness. Madam President, your Honours, I
18 now request to go to open session.

19 PRESIDING JUDGE STEINER: Court officer, please let's go into open session.
20 (Open session at 10.39 a.m.)

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

22 PRESIDING JUDGE STEINER: Madam Witness, we are now in open session, which
23 means that the public can hear you, although your voice is distorted, so please be
24 careful not to mention any names mainly of family members or neighbours that can
25 identify you, or family members. Try not to mention names. Do you understand

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1 that, Madam?

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

3 PRESIDING JUDGE STEINER: Mr Bifwoli.

4 MR BIFWOLI: Thank you, Madam President and your Honours.

5 Q. Madam Witness, as Madam President has pointed out, we are now in open
6 session. I know at times it may be difficult, but we'll keep on trying, so just try to
7 avoid names and any identifying information and, where you are unable, we will of
8 course help you. Do you understand?

9 A. Yes, I understand.

10 Q. Thank you, Madam Witness. I would like now to direct your attention to the
11 events of October 2002 to March 2003. I would like to take your mind back to these
12 events which may have occurred in the Central African Republic, your country,
13 between October 2002 and March 2003 and ask you to reflect on that period. Do you
14 remember that period?

15 A. Yes, I do.

16 Q. Thank you, Madam Witness. Did anything happen to you during that period?

17 A. Nothing happened to me.

18 Q. Madam Witness, during the period October 2002 to March 2003, was anything
19 happening in the Central African Republic?

20 A. Yes.

21 Q. Please tell the Court what was happening.

22 A. Yes, I can.

23 Q. Please go ahead and explain to the Court what happened.

24 A. I'm sorry, but I haven't understood that.

25 Q. Thank you, Madam Witness. I would like to take you back to the period

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1 October 2002 to March 2003. Do you remember this period?

2 A. Yes, I remember it.

3 Q. And did anything happen in your country during this period?

4 A. Yes.

5 Q. Can you please explain to the Court what happened during this period?

6 A. I can do that. When this happened, I was 12.

7 Q. Thank you, Madam Witness. Can you explain to the Court what exactly

8 happened to you when you were 12?

9 A. The Banyamulengue committed an act of violence against me; that's what
10 happened. At the time I was still a virgin and I have come before this Court to speak
11 about this.

12 Q. Thank you, Madam Witness. I'll take you back a bit. You've mentioned the
13 Banyamulengue. Do you know where they came from?

14 A. They came from the other side of the river.

15 Q. Thank you, Madam Witness. The other side of the river that they came from,
16 does it have a name?

17 A. Zongo.

18 Q. Thank you, Madam Witness. Do you know in which country is this Zongo
19 located?

20 A. No, I don't know.

21 Q. Thank you, Madam Witness. And this Zongo, or the other side of the river
22 that you've just referred to, is it part of the Central African Republic, your country?

23 A. No.

24 Q. Thank you, Madam Witness. It's part of which country?

25 A. It's on the other side of the river.

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1 Q. Thank you, Madam Witness. So you mentioned these Banyamulengue who
2 came from the other side of the river and you said, "They committed an act of
3 violence against me; that's what happened to me. At the time I was still a virgin and
4 I have come before this Court to speak about this."

5 Now, my question is this: What do you mean by this statement?

6 A. I haven't quite understood your question.

7 Q. Thank you for that. You said, "The Banyamulengue committed an act of
8 violence against me." That's what you've said and you've also said, "That's what
9 happened to me. At the time I was still a virgin." Now, I'll stop at that. I would
10 like you to explain more to the Court what you mean when you say "That is what
11 happened to me. At the time I was still a virgin." Explain to the Court what they
12 did to you.

13 A. When they arrived, it was on 7 October. It was also around 4 in the morning,
14 when the Muslims were calling out the prayers. They started causing disturbances
15 and, when we went out of the house, they started beating us and we went back into
16 the house. We withdrew into the house.

17 Q. Can you tell the Court who do you refer to when you say "they" arrived on
18 7 October?

19 A. It was the Banyamulengue.

20 Q. Thank you, Madam Witness. And did they do anything to you?

21 A. Yes, they did.

22 Q. What exactly did they do to you?

23 A. There were three of them on me. They raped me after having made me
24 assume a curved position. Later, I had many difficulties.

25 Q. Thank you, Madam Witness. I know it's difficult for you, but we will try

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1 together and go step-by-step so that the Court understands exactly what they did to
2 you. Now, Madam Witness, what do you mean when you say they raped you?

3 A. I haven't fully understood the question. Could you speak up a little, please?

4 Q. Thank you, Madam Witness. A short while ago I asked you what exactly did
5 the Banyamulengue do to you and your answer was, "There were three of them on
6 me. They raped me after having made me assume a curved position. Later, I had
7 many difficulties." Now, my question is this: What do you mean when you say
8 they raped you? What do you mean by that?

9 A. I was still a virgin and they deprived me of my virginity.

10 Q. Thank you, Madam Witness. Which parts of their body did they use to
11 deprive you of your virginity?

12 A. They used the male part of their body.

13 Q. Thank you, Madam Witness. And does it have a name?

14 A. Yes, I can give you the name. They used their penises to sleep with me.

15 Q. Thank you, Madam Witness. And which part of your body did they sleep
16 with?

17 A. With the female part of my body.

18 Q. Thank you, Madam Witness. What is the name of this female part of your
19 body?

20 THE INTERPRETER: The Sango booth didn't hear the witness's answer. The
21 Sango booth would also like to ask the witness to adjust her headphones.

22 MR BIFWOLI:

23 Q. Thank you, Madam Witness. Unfortunately, our interpreters did not hear you
24 and they request that you move closer to the microphones and speak directly into
25 them so that they can hear and be able to provide interpretation. I think that's now

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1 better. Thank you very much.

2 So they did hear your last answer, and my question was -- which I want you to repeat
3 the answer so they can interpret. My question was what was the name of your
4 female part of your body that the Banyamulengue slept with?

5 A. It was my vagina.

6 MR BIFWOLI: Thank you, Madam Witness. Thank you, Madam President, I
7 realise it's time for the break.

8 PRESIDING JUDGE STEINER: Madam Witness, we are having now half-an-hour
9 break in order for you to rest a little bit. It's 11 o'clock now. We will be back at
10 11.30.

11 I'm ordering now the court officer to turn into closed session in order for the witness
12 to be taken out of the courtroom. In the meantime, we will suspend and resume at
13 11.30.

14 *(Closed session at 11.01 a.m.) Reclassified as Open session

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

16 (The witness stands down)

17 THE COURT OFFICER: All rise.

18 (Recess taken at 11.02 a.m.)

19 (Upon resuming in closed session at 11.34 a.m.)

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

21 PRESIDING JUDGE STEINER: So, welcome back. I would like first to ask

22 Mr Bemba whether he is feeling better? Please, court officer, let's bring the witness
23 in.

24 (The witness enters the courtroom)

25 PRESIDING JUDGE STEINER: We can go into public session, please.

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1 (Open session at 11.36 a.m.)

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

3 PRESIDING JUDGE STEINER: Thank you. Madam Witness, welcome back.

4 THE WITNESS: (Interpretation) Good morning, President. Yes, I was able to
5 rest.

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

7 THE WITNESS: (Interpretation) Yes, I am ready.

8 PRESIDING JUDGE STEINER: So the Prosecution will continue to question you. I
9 just remind you that we are in open session, so please avoid mentioning names or
10 places that can identify you or your family members. Yes?

11 THE WITNESS: (No interpretation)

12 PRESIDING JUDGE STEINER: Mr Bifwoli.

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

14 Q. Welcome back, Madam Witness, and thank you.

15 A. Merci.

16 Q. Just before the break you were explaining what the Banyamulengue did to you,
17 and on page 18, line 5 of the transcript, you said, and I quote, "I was still a virgin and
18 they deprived me of my virginity." Do you recall saying that?

19 A. Yes, I remember that.

20 Q. Thank you, Madam Witness. Now, how did they deprive you of your
21 virginity?

22 A. They made me lie down on the ground in order to rape me.

23 Q. How many of them raped you?

24 A. There were two of them.

25 Q. Thank you, Madam Witness. And how did they rape you?

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- 1 A. When they arrived, they seized me. One of them seized me. The other bent
2 me over in order to take my virginity.
- 3 Q. Thank you, Madam Witness. And in that position that you've just explained,
4 where was your head facing?
- 5 A. My face was turned towards the ground.
- 6 Q. And what about your knees?
- 7 A. My knees were upright.
- 8 Q. And these two Banyamulengue who raped you, did they rape you at the same
9 time, or in turns?
- 10 A. The first firstly slept with me. The second came afterwards.
- 11 Q. Thank you, Madam Witness. And for how long did the rape take place?
- 12 A. I was a minor at the time, so I can't remember how long it took place for.
- 13 Q. Thank you, Madam Witness. It's fine. These Banyamulengue who raped you,
14 at that time were they carrying anything?
- 15 A. They were armed. They had rifles and arrows.
- 16 Q. Thank you, Madam Witness. Where were these weapons while they were
17 raping you?
- 18 A. They had -- their arms were on the sling, hung over their shoulders.
- 19 Q. Madam Witness, did you resist the rape?
- 20 A. Yes, I tried to get away from them, but they seized me by force.
- 21 Q. Apart from seizing you by force, did they do anything else to you or your body?
- 22 A. When these things happened, when I saw them, I wanted to flee.
- 23 Unfortunately, one came and seized me. When he got me, I cried out. That alerted
24 my father. My father wanted to intervene and they put their weapons against him,
25 and then other persons came and it was at that time that they seized me and they

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1 deflowered me.

2 Q. Did you sustain an injury as a result of resisting?

3 A. Yes, I had several injuries.

4 Q. Who caused these injuries?

5 A. It was the Banyamulengue.

6 Q. Which part of your body were these injuries?

7 A. There were injuries to my knees and the rest of my body as well.

8 Q. And how did the Banyamulengue inflict -- cause these injuries?

9 A. They had batons and, when they hit me, they hit my legs and I had -- I was
10 injured on my knees and afterwards they raped me.

11 Q. Thank you, Madam Witness. Did anything happen to any of your family
12 members?

13 A. Yes.

14 Q. Please tell the Court what happened to your family members?

15 A. On that day -- well, at that time my father was looking after the ducks and the
16 chickens, and one of my brothers left the house and saw them and took the ducks and
17 he alerted my father to tell him that they were taking our ducks. At that time they
18 also hit my brother with their weapons and afterwards he died following that.

19 Q. Thank you, Madam Witness, for that answer. We will come to that in a short
20 while. Now, apart from you, was anyone else in your family raped?

21 A. My older sister. My older sisters as well as my grandmother.

22 Q. Who raped your older sisters and grandmother?

23 A. It was the Banyamulengue.

24 Q. And how did you know that it is the Banyamulengue who raped them?

25 A. On that day we were inside the house. We knocked on the door. We broke it

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1 down. They knocked on the door. They even broke it down. And my father and
2 my older sisters, all of us, were in the lounge, and my grandmother was pregnant and
3 when she gave birth the child died.

4 Q. Were your sisters and grandmother raped on the same day as yourself, or a
5 different day?

6 A. They came by group and the rape took place on the same day.

7 Q. Was it also at the same time?

8 A. It was at the same time. They came in a group and my grandmother was in
9 the bedroom. They destroyed everything in the house; the television and other
10 objects. My father intervened to stop them from breaking everything, and just after
11 they pointed the weapon at him and started to gather all the things in the house and
12 take them out.

13 Q. Thank you, Madam Witness, for those details. Who do you refer to when you
14 say "they"?

15 A. I was speaking about my grandfather.

16 Q. Sorry, Madam Witness, maybe I was not clear. My question is this: You
17 mentioned these people who came to your home, they raped you, your mother, your
18 grandmother, your sisters, and they destroyed the television in the way you've
19 explained now. Who are these people who did these things?

20 A. It was the Banyamulengue.

21 Q. And did anything happen to your grandfather during this time?

22 A. They took him outside and they hit him with the butts of their rifles.

23 Q. Did they do anything else to him?

24 A. They took him out and they hit him. They didn't do anything else. They did
25 the bad things to me.

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1 Q. Madam Witness, apart from you and your sisters, did the Banyamulengue rape
2 anyone else in your neighbourhood?

3 A. Yes, a lot of people.

4 Q. Please tell the Court the people that you are able to recall. Can you tell the
5 Court who these people are, without mentioning names, maybe neighbour or relation,
6 whatever it is?

7 A. The children of my aunt, as well as my neighbours.

8 Q. Madam Witness, you've explained to the Court that you were raped by two
9 Banyamulengue. Were you injured as a result of the rape?

10 A. I had a lot of injuries in my vagina. I had serious injuries in my vagina, and
11 my aunt and my grandfather tried to treat it with -- by having me sit in a liquid.

12 Q. Thank you, Madam Witness. What caused these injuries in your vagina?

13 A. When they took me, they really assaulted me sexually very violently. They
14 took me by force and they put my arms behind me, they bent me over and they did
15 these horrific things to me and that's the reason why I ended up with these terrible
16 injuries.

17 THE INTERPRETER: The interpreter adds that it was not liquid, but rather potions
18 in the previous answer.

19 MR BIFWOLI:

20 Q. Thank you, Madam Witness. And who caused this injury?

21 A. The Banyamulengue.

22 Q. Did you get any treatment?

23 A. During these events the hospitals weren't working and that's why, seeing that I
24 was bleeding, my grandfather prepared a bath so that I could be treated for my
25 injuries.

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1 Q. Thank you, Madam Witness, for your answers. You just mentioned that you
2 were bleeding. You were bleeding from which part of your body?

3 A. The blood was running out of my vagina.

4 Q. Thank you, Madam Witness. And what caused this bleeding to occur?

5 A. It was as a result of what they did to me. It was for that reason that I was
6 bleeding from my vagina.

7 Q. Thank you, Madam Witness. So that the record is clear, what do you mean by
8 "as a result of what they did to me"? What did you mean -- what did they do to
9 you?

10 A. They penetrated my vagina with their penis and it was for that reason that I
11 was bleeding.

12 Q. Thank you.

13 PRESIDING JUDGE STEINER: Mr Bifwoli, is that enough?

14 MR BIFWOLI: Yes.

15 Q. Thank you, Madam Witness. And my next question is were your sisters
16 and/or your grandmother injured? Do you know if they were injured as a result of
17 the rape?

18 A. Since they were subjected to the same things, they obviously had the same
19 injuries. They were behaving violently and so we had the same problems. That is
20 how come my father went and looked for traditional medicines to come and treat us
21 with.

22 Q. Thank you, Madam Witness. Could you have prevented these
23 Banyamulengue from raping you?

24 A. I did not have the strength to prevent them.

25 Q. Why?

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1 A. But they were acting violently. They were carrying weapons and they also had
2 arrows. There was nothing we could do.

3 Q. Thank you, Madam Witness. And did you give them consent to sleep with
4 you, or to rape you?

5 A. It was not with my consent.

6 Q. Thank you, Madam Witness, for your answers. When this happens, your
7 raped happened and that of your family members, did you report to anyone about
8 your rape?

9 A. Nothing else happened.

10 Q. Thank you, Madam Witness. Maybe I'll repeat my question. Did you report
11 to anyone that you were raped?

12 A. No.

13 Q. Thank you, Madam Witness. Did the Banyamulengue take anything that
14 belongs to you?

15 A. They took our clothes, our beds. They took away everything that was in the
16 house.

17 Q. Thank you, Madam Witness. And apart from taking things from your house,
18 did they destroy anything?

19 A. They destroyed many things. They destroyed items such as the refrigerator
20 and the television set. They damaged all of these.

21 Q. How did you know that it is the Banyamulengue who took your items?

22 A. But they were the ones who had come to our house. They are the ones who
23 took away those things.

24 Q. Thank you, Madam Witness. Did you see them with your eyes taking these
25 things that you've mentioned?

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1 A. Yes, but we were inside the house when they came and behaved in that manner.

2 Q. So did you see them taking these items?

3 A. Yes, I was in the sitting room when they came in and started taking things.

4 We did not have the strength. We could not do anything. They were armed and
5 we could not prevent them from doing what they were doing.

6 Q. Did they also take anything from other people in your neighbourhood?

7 A. They destroyed a lot of things in the neighbourhood.

8 Q. You've told the Court that they took things from your home. Where did they
9 take these items that they took from your home?

10 A. I did not follow them to find out where they took those items.

11 Q. Thank you, Madam Witness. And how did they carry these items that they
12 took from your home?

13 A. They had brought along some pushcarts and they stopped them at the door and
14 they loaded those items on those carts to take them away.

15 MR BIFWOLI: Madam President and your Honours, I ask for a minute to confer.

16 Thank you, Madam President, your Honours. At this point I request to go into
17 private session for the next set of questions.

18 PRESIDING JUDGE STEINER: Court officer, please.

19 *(Private session at 12.14 p.m.) Reclassified as Open session

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

21 PRESIDING JUDGE STEINER: Thank you. Madam Witness, we are now in
22 private session. Nobody outside the courtroom can hear what you say, so you can
23 feel free to speak whatever you want. Mr Bifwoli.

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

25 Q. Madam Witness, I am going to ask you questions regarding the names of the

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1 people you mentioned in your testimony. At page 23, lines 1 to 6, you stated that
2 your brother died after the Banyamulengue beat him with weapons. Can you tell
3 the Court the name of your brother who died?

4 A. Yes, I can tell you his name. His name was (Redacted).

5 Q. Thank you, Madam Witness. Also at page 24, line 10, you referred to your
6 grandfather. What is the name of your grandfather?

7 A. (Redacted).

8 Q. Thank you, Madam Witness. Again on page 24, line 13, you mentioned your
9 grandmother who was raped. What is the name of your grandmother?

10 A. (Redacted).

11 MR BIFWOLI: Thank you, Madam President, your Honours, and this brings us to
12 the end of the Prosecution questioning for this witness.

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

14 (Open session at 12.17 p.m.)

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

16 PRESIDING JUDGE STEINER: Thank you very much. Madam Witness, the
17 Prosecution has no more questions to put to you. Now you are going to be
18 questioned by legal representatives of victims, starting by Maître Zarambaud. After
19 Maître Zarambaud finishes, Maître Douzima will put some questions to you. Can
20 we proceed, Madam?

21 THE WITNESS: (Interpretation) Yes.

22 PRESIDING JUDGE STEINER: So I want just to remind you that now we are in
23 open session, so try to avoid mentioning any names. Maître Zarambaud is your
24 legal representative as well and he is the one that is going to ask you some questions.
25 Maître Zarambaud, you have the floor.

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1 MR ZARAMBAUD: (Interpretation) Thank you, Madam President, your Honours.

2 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

3 Q. Good afternoon, Madam Witness.

4 A. Good afternoon.

5 Q. During the familiarisation process, I introduced myself to you. I would like to
6 introduce myself once again. I am Mr Zarambaud Assingambi and I was designated
7 by the Court to defend you as a victim. Today I am going to ask you questions in
8 your capacity as a witness. Do you have any objection to that?

9 A. Yes, you can ask your questions.

10 Q. Thank you. I had intended to ask you several questions, but a good number of
11 those questions have already been put to you by the Prosecutor and you have already
12 provided the answers. I will therefore focus on a few of the questions that I had
13 intended to ask you. You stated that you were raped for the first time when you
14 were about 12 years old. However, you seem to remember very well what
15 happened to you at that age, even though you were very young and you are speaking
16 about those events today with confidence more than eight years after they occurred.
17 How do you explain that?

18 A. Regarding the events that I was subjected to, I simply remembered the most
19 important aspects.

20 Q. Thank you, Madam Witness. My second question concerned the physical
21 consequences of those rapes; that is the injuries that you sustained. The Prosecutor
22 has already asked you questions about that and you have answered comprehensively,
23 so I am not going to ask you any question on that again. My third question is as
24 follows: What are the effects of that rape in your life and, according to you, what
25 could be the after effects of that rape on your future?

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1 A. Given that I was assaulted, I am no longer able to associate with the other girls.

2 Everybody makes fun of me. Even though I have a baby, even though I carried a

3 baby, *my first partner abandoned me with the baby because of all that.

4 Q. Thank you. My fourth question relates to your statement CAR-OTP-0037-0080.

5 You stated that after the rape you stayed in the house for a period of one month.

6 Were there any further rapes during that one month period?

7 A. No, they did not rape me again.

8 Q. Thank you, Madam Witness. My last question: In document

9 CAR-OTP-0037-0081 you stated that, when you went to (Redacted) the plane that was
10 firing, in fact there were stray bullets from the plane that was firing. What do you
11 mean by that?

12 A. When we were in (Redacted), several bullets were fired at us and one of the
13 bullets hit my mother's arm. That is what I saw and that is what I am testifying to.

14 MR ZARAMBAUD: (Interpretation) Thank you, Madam Witness. Those were all
15 the five questions that I wished to put to you. I've already put them to you and you
16 have answered them. I have no further questions and I thank the Court for having
17 allowed me to ask those questions. Thank you, Madam President.

18 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud. Madam Witness,
19 now Maître Douzima, who is also a legal representative of victims, is going to put to
20 you some questions. Is that fine with you?

21 THE WITNESS: (Interpretation) Yes, that is all right with me.

22 PRESIDING JUDGE STEINER: Maître Douzima, s'il vous plaît.

23 MS DOUZIMA-LAWSON: (Interpretation) Thank you, your Honour.

24 QUESTIONED BY MS DOUZIMA-LAWSON: (Interpretation)

25 Q. Good afternoon, Madam Witness.

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1 A. Good afternoon.

2 Q. As the Presiding Judge has told you, I am one of the legal representatives of the
3 victims; that is together with Maître Zarambaud who has just put some questions to
4 you. I'm going to try to ask you some questions in order to seek clarification and
5 enlighten the Court. May I begin?

6 A. Yes, please go ahead.

7 MS DOUZIMA-LAWSON: (Interpretation) Your Honour, I would like to request
8 that we go into closed session because I have questions for the witness that will
9 require her to mention names, so I would like us to go into closed session for those
10 questions before we revert to open session.

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

12 *(Private session at 12.28 p.m.) Reclassified as Open session

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

14 MS DOUZIMA-LAWSON: (Interpretation)

15 Q. Madam Witness, can you give us the name of your cousin, (Redacted), who was
16 beaten to death by the Banyamulengue?

17 A. I no longer remember his name.

18 Q. Very well. Can you tell me who (Redacted) is to you?

19 A. He is my grandfather.

20 Q. And (Redacted)?

21 A. He was my first husband; that is, the father of my first child.

22 Q. Was he the one who abandons you because of the stigma?

23 A. Yes.

24 MR LIRISS: (Interpretation) Your Honour, it's a leading question. She never said
25 that she was abandoned by someone called (Redacted) as a result of having been

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1 stigmatised.

2 PRESIDING JUDGE STEINER: Maître Douzima, it's quite a leading question, so if
3 you could at least mention the excerpt of the statement from which you took this
4 information. Otherwise, it can be considered as a leading question. Thank you.

5 MS DOUZIMA-LAWSON: (Interpretation) Thank you, your Honour. I put this
6 question in relation to the answer that she just gave to Mr Zarambaud. I believe we
7 can move into open session now.

8 PRESIDING JUDGE STEINER: Maître Liriss.

9 MR LIRISS: (Interpretation) Your Honour, I don't see an answer she gave to
10 Mr Zarambaud according to which she was stigmatised and according to which her
11 husband abandoned her. We can check the transcript.

12 PRESIDING JUDGE STEINER: I think we are talking about two different things.
13 The answer of the witness was related to stigmatisation, but she did not mention the
14 reason why the husband left her. So in this point your question was not related to
15 the answer given to Maître Zarambaud, Madam Douzima, so the objection made by
16 the Defence is sustained. We can go now into open session, please.

17 (Open session at 12.32 p.m.)

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

19 PRESIDING JUDGE STEINER: Madam Witness, we are now in open session, so
20 please don't mention any names that can identify you or your family members.
21 Maître Douzima, please.

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

23 Q. Witness, I'm referring to your statements -- statement given to the investigators
24 and the reference is CAR-OTP-0035-0045. I would like to know which language was
25 spoken by the people from the other side of the river; the people that you have

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1 already referred to?

2 A. They spoke Lingala.

3 Q. How do you know that the language that they spoke was Lingala?

4 A. They didn't speak Sango.

5 Q. But how is it that you know that they spoke Lingala? It could have been
6 another language.

7 A. They didn't speak Sango and I am saying this given the way that they spoke to
8 each other.

9 Q. In what way did they speak to each other?

10 A. It was their way of speaking. They spoke in a language I didn't understand.
11 They also behaved in a disorderly manner and that's how I identified them as such.

12 Q. And earlier on, did you know people from the other side of the river who lived
13 in your neighbourhood? Did you know such people prior to the events?

14 A. Yes.

15 Q. And did they also speak Lingala?

16 A. Yes, they spoke in the same way.

17 Q. When the Banyamulengue arrived, did the people who were already there join
18 them? Did those who had been there before join them?

19 A. I'm not aware of that. I just told you about what I saw.

20 Q. In your statement given to the investigators, CAR-OTP-0037-0047 is the
21 reference, in that statement you said that it was the Banyamulengue themselves who
22 told you that they were Banyamulengue; is that correct?

23 A. No, they didn't say that to me. There were people in our neighbourhood who
24 spoke that same language as the Banyamulengue. That is how I identified them as
25 the Banyamulengue.

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- 1 Q. After what happened to you, did you flee from the neighbourhood?
- 2 A. No, I stayed in the house.
- 3 Q. I'd like to move on to another subject now. Which grade were you in in the
- 4 year 2002?
- 5 A. I was in CM-1.
- 6 Q. And how old were you at the time?
- 7 A. I was 11.
- 8 Q. And how many months does the school year last for?
- 9 A. I no longer remember that.
- 10 Q. Very well. It doesn't matter. A while ago you stated -- at page 18, lines 26 to
- 11 28, you stated that the Banyamulengue arrived on 7 October. It's the real-time
- 12 transcript. Did you see a calendar at the time, from that time, or were you told
- 13 about this?
- 14 A. I was told about this.
- 15 Q. I apologise. I'm still referring to the real-time transcript, page 26, lines 12 to 14.
- 16 You said that when they arrived in your house - I'm referring to the
- 17 Banyamulengue - they destroyed your belongings; you mentioned a television, a
- 18 fridge. When you say that they destroyed them, how did they do this?
- 19 A. They started by hitting these items with sticks.* One took the television set and
- 20 threw it on the ground. They even took axes in the house to split the fridge in half.
- 21 Q. After everything that had happened to you, did you complain? Did you file a
- 22 complaint?
- 23 A. No, we didn't have the opportunity to go and complain.
- 24 MS DOUZIMA-LAWSON: (Interpretation) Your Honour, I have now completed
- 25 my questioning of the witness, thank you, and Madam Witness I thank you.

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1 PRESIDING JUDGE STEINER: Thank you. I suppose the Defence -- I don't
2 suppose anything. I'm asking the Defence whether the Defence wants to start
3 questioning now, or after the lunch break?

4 MR LIRISS: (Interpretation) Your Honour, we would like to discuss matters
5 during the lunch break to see in fact whether we should commence with our
6 questions today or tomorrow, because we have to go through the entire transcript
7 and compare the transcript with the previous statements made.

8 PRESIDING JUDGE STEINER: Okay. So, Madam Witness, we are now going to
9 suspend this hearing for the lunch break so you can have lunch, take some rest. We
10 are going to resume at 2.30 in the afternoon. So take your time and in the afternoon
11 you are coming to this courtroom again.

12 Court officer, please let's go into closed session in order for the witness to be taken
13 outside the courtroom. In the meantime, we are going to suspend this hearing and
14 we are resuming at 2.30 in the afternoon.

15 *(Closed session at 12.45 p.m.) Reclassified as Open session

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

17 (The witness stands down)

18 THE COURT OFFICER: All rise.

19 (Luncheon recess taken at 12.46 p.m.)

20 (Upon resuming in closed session at 2.33 p.m.)

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

22 PRESIDING JUDGE STEINER: Welcome back. Court officer, please bring the
23 witness in.

24 (The witness enters the courtroom)

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

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1 (Open session at 2.35 p.m.)

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

3 PRESIDING JUDGE STEINER: Madam Witness, welcome back.

4 THE WITNESS: (Interpretation) Thank you, your Honour.

5 PRESIDING JUDGE STEINER: Did you manage to have a nice lunch and take some
6 rest?

7 THE WITNESS: (Interpretation) Yes.

8 PRESIDING JUDGE STEINER: Maître Liriss, you want to address the Chamber?

9 MR LIRISS: (Interpretation) Thank you, your Honour. I'm confused, in fact. I
10 should have notified the court officer that we had a procedural matter to be submitted
11 to the Chamber before the entry of the witness, but I didn't do so. If you consider
12 that I can do so, or at least if the witness could take the headphones off, that's possible,
13 but it does have to be said in closed session.

14 PRESIDING JUDGE STEINER: Court officer, turn into private session, please.

15 *(Private session at 2.36 p.m.) Reclassified as Open session

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

17 PRESIDING JUDGE STEINER: Maître Liriss, if you have an issue that you need to
18 address the Chamber that cannot be heard by the witness, then I will turn into closed
19 session and ask the witness to leave the room. We don't like the practice of asking
20 the witness to take off the headphones, or not to have translations. We don't think
21 this is fair with the witness. But next time please just let the Chamber know in
22 advance that you intend to do such a procedural -- raise such a procedural issue.
23 Court officer, please turn into closed session.

24 *(Closed session at 2.38 p.m.) Reclassified as Open session

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

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1 (The witness stands down)

2 PRESIDING JUDGE STEINER: Maître Liriss, you can proceed.

3 MR LIRISS: (Interpretation) Your Honour, I am sorry. Once again, I'd like to

4 apologise for this incident. I should have taken the necessary precautions. I know

5 that it is disagreeable for the *witness and for the Chamber and other parties. Please

6 accept my apologies.

7 Your Honour, we are ready to start with our examination just to do with the

8 preliminary matters where it concerns the identification of the witness. The Defence

9 has doubts with regards to the identity of this witness. We have doubts with regards

10 to the issue of whether this is the same witness as the one who was questioned by the

11 team of investigators of the Office of the Prosecutor. In case the Prosecutor confirms

12 that it is the same, well, in that case we would ask you to be tolerant with us. When

13 we ask questions they might seem too pointed, but necessarily they have to identify

14 this witness. I have just described the urgency of the matter -- of having the passport

15 of the witness to the Office of the Prosecutor. Unfortunately, they don't have it. I

16 would have asked for the video of the interview but, as you have already taken a

17 decision that it wasn't necessary, perhaps later you could authorise identification

18 from the video.

19 I state that, because the person claims to be (Redacted) and she's on

20 the list of the children. She says here something different, saying that her father was

21 called (Redacted). And -- but where it concerns the list of

22 children (Redacted), you don't see a (Redacted), nor do you see a (Redacted).

23 You will remark with regards to the signature on the prior declaration and on the

24 application for participation, they are different signatures - totally different - and I

25 could add to that that she is not of the same ethnic group as that she claims to be from

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1 her grandfather. Well, that could have been the case. She speaks about her
2 grandmother, who is said to be called (Redacted), but in her declaration it's
3 (Redacted) the grandmother.
4 So I think there is a real problem with regards to the identification of the person here.
5 I'm not saying she's been replaced by another person, but if the Prosecutor can
6 confirm that it really is this person then we would ask for your indulgence, in the
7 interests of the Defence and such that light be shed on the matter for the Chamber
8 itself, we would ask to be able to pose questions which are somewhat pointed and we
9 don't want you to perceive that as a harassment of the witness. Thank you very
10 much, your Honour.

11 PRESIDING JUDGE STEINER: Ms Kneuer.

12 MS KNEUER: Madam President, your Honours, shortly before the continuance of
13 this hearing my learned colleague asked the Prosecution for the passport and we are
14 not in possession of that passport. VWU may be. I would like to bring to your
15 attention that the birth certificate of the witness is attached to the victim's application
16 form.

17 With regards to the submission of my learned colleague, I think it's a matter of
18 evidence which the Prosecution cannot respond to. Questions should be asked to
19 the witness to clarify and confirm her identity. Thank you, Madam President.
20 (Trial Chamber confers)

21 PRESIDING JUDGE STEINER: Ms Kneuer, I see on the list, on the Prosecution's list
22 of evidence, that document 9 of the inventory is the audio recording of the witness
23 interview; is that correct? It's only audio recording, or also a tape recording?

24 MS KNEUER: Madam President, with your leave I would like to confirm with my
25 colleagues, please.

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(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0082

1 (Prosecution counsel confer)

2 Madam President, your Honours, the audio recording that is referred to in the
3 document is related to the interpretation conducted by STIC for the witness
4 familiarisation process, so basically it's the translation of the witness statement. In
5 addition, the OTP did not record any interviews of witnesses that are currently on our
6 list of evidence. No video recordings were taken.

7 PRESIDING JUDGE STEINER: Thank you for the information, because I was
8 checking with our assistants when and why the Chamber had denied Defence access
9 to the video recording of the statement, as the Defence says, but we never did that.
10 Now I know it's because there's no video of the interviews.
11 But in any case, Maître Liriss, I think you're allowed to question the witness on points
12 related to her identity. We only remind you to do it in a non-aggressive,
13 non-intrusive way, respecting maybe some peculiarities of the witness, her level of
14 literacy, the fact that she was 11 to 12 when the facts occurred. So if you follow the
15 minimal rules in order to respect the dignity of the witness, you are entitled of course
16 to check all data related to her identity.

17 Court officer, please bring the witness in.

18 (The witness enters the courtroom)

19 PRESIDING JUDGE STEINER: Madam Witness, sorry for that. You are most
20 welcome back to this courtroom. The Defence now will start asking you some
21 questions, mainly in relation to your identity. For that reason, we are going to have
22 this first part of this afternoon's hearing in private session, meaning that you can
23 speak freely and you can mention names because nobody outside the courtroom will
24 be able to listen to what you are saying. Do you understand that, Madam?

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

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Witness: CAR-OTP-PPPP-0082

(Private Session)

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

2 *(Private session at 2.54 p.m.) Reclassified as Open session

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

4 PRESIDING JUDGE STEINER: Thank you. Maître Liriss.

5 MR LIRISS: (Interpretation) It is my esteemed colleague, Counsel Kilolo, who shall
6 be asking you questions.

7 PRESIDING JUDGE STEINER: Maître Kilolo.

8 MR KILOLO: (Interpretation) Thank you very much, your Honour, for having
9 given me leave to address the Court.

10 QUESTIONED BY MR KILOLO: (Interpretation)

11 Q. Good afternoon, Witness.

12 A. Good afternoon.

13 Q. I am Aimé Kilolo. I am one the lawyers of Jean-Pierre Bemba, one of his
14 counsel, and I am going to ask you certain questions on behalf of the Defence. You
15 will note that my questions are sufficiently precise. It is in no way to harass you in
16 any way, but the only aim of my questioning is to clarify things for the Court.
17 You and I work together at the end of the day with a view, in terms of this
18 examination, to help achieve the manifestation of the truth and the Court shall rule on
19 that. I would also like to reassure you of the fact that I shall not go into questions
20 which are intrusive with regards to your personal life and so I will not ask questions
21 relating to the rape as you experienced it. Is that agreeable to you?

22 A. That is agreeable to me.

23 Q. Thank you. Today, when you came into the courtroom this morning, the
24 Judge asked you a certain number of questions. I shall refer directly to the transcript
25 of 2 February 2011, real-time French version, page 8, line 8 -- lines 8 to 12.

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1 You stated that the previous statement that you -- the previous statements that you
2 provided to the Office of the Prosecutor in Bangui in 2008 are the truth. I shall read
3 the question that was put to you by the Presiding Judge, and here I quote, "Was the
4 information that you provided in your statement or in your statements correct and
5 does that information correspond with the truth as you know it?" You answered
6 that -- you answered the President as follows, "Yes, this information is true." Could
7 you confirm that?

8 A. I confirm that.

9 Q. I also have before me excerpts of your previous statement from Bangui 2008.
10 The Office of the Prosecutor, or the investigators in Bangui, they notified you that
11 they were going to read out your statement at the end of the examination -- at the end
12 of the interview and they were going to ask you to sign your statement, and I note in
13 this regard that I have two documents before me which bear your signature. I refer
14 to CAR-OTP-0028-0051, English version. This is a document of 1 September 2008.
15 There is also another document, now still the English version thereof, of 31 August
16 2008, CAR-OTP-0028-007, and I note that in these two documents there is a signature
17 next to your name. Can you confirm to me that it was indeed yourself who signed
18 this document?

19 PRESIDING JUDGE STEINER: Mr Kilolo, I would like the document to be shown to
20 the witness before she confirms.

21 MR KILOLO: (Interpretation) Court officer, do you think you could put that on
22 the screen? We can start with the document 31 August 2008. It's the English
23 version, page 2.

24 THE COURT OFFICER: The document is available on your screens. The reference
25 is CAR-OTP-0028-0050_R01 at page 0051, and this document has an EVD reference

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1 which is EVD-T-OTP-00021 and it's marked as confidential.

2 MR KILOLO: (Interpretation)

3 Q. Madam Witness, you can now see this document. Were you the one who
4 signed your signature next to your name?

5 A. Yes, this is indeed my signature.

6 MR KILOLO: (Interpretation) Thank you. I would like to ask the court officer
7 to project a second document, and it is CAR-OTP-0028-0007 of 31 August 2008,
8 English version, page 2.

9 THE COURT OFFICER: Document CAR-OTP-0028-0006_R01 is available on your
10 screens at page 0007. The EVD number of this document is EVD-T-OTP-00020 and
11 it's marked as confidential.

12 MR KILOLO: (Interpretation)

13 Q. Madam Witness, you can now see that document. Can you confirm that the
14 signature next to your name is yours?

15 A. It is indeed my signature.

16 Q. Thank you. I understand that the two statements that you gave to the ICC
17 investigators in Bangui on 31 August 2008 and on 1 September 2008 were read and
18 approved by yourself; is that correct? And do you confirm that the information is
19 correct?

20 A. That is correct.

21 MR KILOLO: (Interpretation) Thank you. I would like to ask the court officer to
22 present one last document on this aspect. It is an annex to the application for
23 participation. It is a/2413/10 of 16 September 2010. It is a document in French.

24 THE COURT OFFICER: The document counsel is referring to is filing

25 ICC-01/05-01/08-954-Conf-Anx 372, redacted version 2. This document is available

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1 on your screens. Could you please let me know the page you want us to display?

2 MR KILOLO: (Interpretation) I'm afraid that what I am seeing does not
3 correspond to what I wanted. In any case, it is page 1. It is a single-page document,
4 in fact. Do you wish me to hand over a copy to you? I have been told that this
5 document comes immediately after the one that you showed us a short while ago.

6 THE COURT OFFICER: It's the last page of the application for victim participation
7 and it's now available on your screens.

8 MR KILOLO: (Interpretation)

9 Q. Madam Witness, I'm going to read out to you an excerpt, the first sentence of
10 the paragraph that you can see, and it is stated as follows: "On 31 July 2010 I, the
11 undersigned (Redacted) do confirm that I
12 filled the application for participation in proceedings before the International
13 Criminal Court as a natural person. Dated 31 July 2010." Can you confirm that the
14 signature which appears above your name is indeed your signature?

15 A. Yes, it is my signature.

16 Q. Are we to understand that the contents of this document that you have signed,
17 that is the application for participation, is -- the contents are true?

18 A. Yes, the information is correct.

19 Q. Thank you for that important clarification. Now, let me begin with my first
20 question. Madam Witness, before giving your statements to the investigators of the
21 ICC in Bangui, on 31 August 2008, did you discuss the issue with any other person?

22 A. I did not speak about it with anyone else.

23 Q. Did you discuss the issue with your father, or your grandfather?

24 A. No.

25 Q. Do you know whether the ICC investigators in Bangui discussed the matter

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1 with third parties and particularly your father or grandfather?

2 A. I do not know.

3 Q. Apart from the interpreter and the investigators who were there with you when
4 you gave your statements, was there anyone else who at one point or the other was
5 aware of the fact that you were going to give statements to the investigators?

6 A. No.

7 Q. I do not wish to be too insistent, but for the purposes of better understanding
8 am I to understand that, apart from the ICC investigators and the interpreter who
9 assisted in Sango-English communication, no one else was aware that you were going
10 to meet with ICC investigators in Bangui, or give statements?

11 A. No one else was aware of that.

12 MR KILOLO: (Interpretation) Thank you. I would now like to ask the court
13 officer to place on the screen document CAR-OTP-0037-0034. It is page 4 of the
14 previous statement of the witness, dated 31 August 2008 in Bangui.

15 THE COURT OFFICER: The document is available on your screens. It's document
16 CAR-OTP-0037-0030 at page 0034.

17 MR KILOLO: (Interpretation) Would it be possible to zoom into the middle of the
18 page; that is as from paragraph 5?

19 Q. Madam Witness, I'm going to read out to you an excerpt from the statement that
20 you gave to the OTP in Bangui, and I will quote the investigator who tells you the
21 following:

22 "Before we continue, I would like to ascertain for purposes of note-taking that this
23 interview started only after (Redacted), voluntarily gave

24 his consent for (Redacted), who is a minor, (Redacted), to be

25 interviewed by the representatives of the Office of the Prosecutor of the International

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1 Criminal Court. Prior to that, (Redacted) was informed of the representatives of
2 the ICC, that is the Office of the Prosecutor, the reasons for their presence and why
3 they contacted their daughter, or his daughter, for a interview. (Redacted), can you
4 confirm what I have just said?"

5 A. Yes, I confirm that.

6 Q. Could you explain the discrepancies between what I have just read out to you
7 and which you have confirmed and the answer to the previous question, when you
8 said that no one was aware?

9 A. I did not quite understand the question.

10 Q. Thank you. We will proceed. You have just confirmed the substance of the
11 statement that I've read out to you. Does this therefore mean that you did indeed
12 speak with someone before subjecting yourself to an interview by the OTP
13 investigators in Bangui?

14 A. I did not speak about it with anyone else, apart from Mama Sayo.

15 Q. We will come back to Mama Sayo later. A short while ago, I read out to you a
16 question that was put to you by the ICC investigators and your answer to that
17 question was, "Yes." It therefore appears that a certain (Redacted) was aware
18 of the fact that you were going to meet with the investigators of the OTP of the ICC in
19 Bangui well before the interview that you gave to them. Do you remember that?

20 A. I do remember.

21 Q. In order to be clear, which is the correct version? Are we to understand at this
22 point that, prior to meeting with the investigators of the OTP, you spoke with at least
23 two people; namely, (Redacted) and Mama Sayo? Is that it?

24 A. Yes.

25 Q. My second question is as follows: Can you tell this Court what you discussed

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1 with (Redacted) before going to give a statement to the ICC investigators? What did
2 he suggest to you? What did he tell you?

3 A. We simply discussed what had happened to us.

4 Q. Thank you very much. In fact, it would be interesting for you to tell the Court
5 more about that. What was the contents of your discussions? What did he tell you
6 about what had happened to you?

7 A. Can you kindly repeat? I did not quite understand your question.

8 JUDGE ALUOCH: Can you just establish if she knows this (Redacted)? Is that
9 somebody she knows? Is that a name she knows?

10 MR KILOLO: (Interpretation) Thank you, your Honour.

11 Q. Madam Witness, since you seem to be hesitating quite a bit when it comes to
12 remembering whether you discussed your statement to your father or grandfather, I
13 would like to ask you this question. Do you know a certain (Redacted); yes or
14 no?

15 A. He is my grandfather.

16 Q. Thank you. In the OTP document that I've just read to you he is described
17 instead as your father. Can you clarify the situation for us?

18 A. Yes, I can clarify. He is my uncle. He is my mother's father. That is why
19 I am in the habit of referring to him as "Papa" or "Father."

20 THE INTERPRETER: In fact, he is my grandfather, corrects the Sango interpreter.

21 MR KILOLO: (Interpretation)

22 Q. Thank you. We will come back to that later. Since you had discussed with
23 him before meeting with the investigators, what did he advise you? What advice
24 did he give to you?

25 A. He did not tell me anything. What I'm doing here is telling you what

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1 happened to me.

2 Q. Thank you very much. A short while ago you said that you had a conversation
3 about what had happened to you. What specifically did he tell you? It is important
4 for you to tell that to the Court.

5 A. My grandfather did not say anything to me. The Banyamulengues assaulted
6 me and I was very angry about it. That is why I decided to come and speak about it
7 before this Court.

8 Q. At the time that you were going to meet with the ICC investigators, what did
9 (Redacted) advise you for example not to tell the investigators?

10 A. He did not tell me anything.

11 Q. A short while ago you told me that you had a conversation about what had
12 happened to you; is that correct?

13 A. Considering what had happened to me I started reflecting on my future, and
14 then he came closer to me to ask me to calm down.

15 Q. Who told you to go and meet with the ICC investigators in Bangui? How do
16 you -- how did you come to know about them? Who had you contact them?

17 A. On that day, we were in Mama Sayo's NGO. It was she who told me about the
18 investigators. No one else told me about them.

19 Q. Thank you, we'll come back to that later. Please tell this Court when did you
20 see (Redacted) for the last time?

21 A. I did not understand your question.

22 Q. When did you see (Redacted) for the last time?

23 A. Do you mean here at the Court? I did not quite understand you.

24 Q. Yes, wherever, but when was the last time you saw him face-to-face? Was it
25 this morning?

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1 A. I did not see him.

2 Q. Maybe yesterday, or the day before, can you tell us?

3 A. We met yesterday just to have a meal together.

4 Q. Approximately, how much time did you spend together yesterday?

5 A. Not long.

6 PRESIDING JUDGE STEINER: Ms Kneuer.

7 MS KNEUER: Madam President, your Honours, the relevance is not apparent to the

8 Prosecution, and also there is a ruling from your Honours on the familiarisation

9 process and so the procedure is quite clear.

10 PRESIDING JUDGE STEINER: Maître Kilolo, could you clarify the relevance of
11 your last question?

12 MR KILOLO: (Interpretation) Thank you, your Honour. The fact is that all the
13 questions are linked to the remarks made by Maître Nkwebe at the beginning of the
14 hearing, because the issues relating to collusion that is between witnesses. In any
15 case, I'm going to move to the next question and I would like to ask the court officer
16 to call up on the screens document number CAR-OTP-0037-0055, and it is the French
17 version of the witness's statement, page 25. That is statement of 31 August 2008.

18 THE COURT OFFICER: The document is available on your screens and it's marked
19 as confidential.

20 MR KILOLO: (Interpretation) Could the Registrar please show the very first
21 paragraph? This doesn't seem to be the document that we need. We need page 25.

22 THE COURT OFFICER: Counsel, could you please specify the CAR-OTP number of
23 the document?

24 MR KILOLO: (Interpretation) Yes. The document number is 0037-0055. In fact,
25 it's the same document as the previous one but, on this occasion, it's page 25 that we

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1 need. Could you just show the very first paragraph, zoom in, perhaps?

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

3 CAR-OTP-0037-0030_R01 at page 0055 and it's marked as confidential.

4 MR KILOLO: (Interpretation) Thank you.

5 Q. Madam Witness, I'm going to read out part of the first paragraph; it has to do

6 with your interview with investigators from the ICC's OTP in Bangui, and I will quote

7 what you actually said. In fact, my question is, why the Banyamulengue harmed

8 your family? That was the question. And you said, "I don't know what to say. I

9 was a small girl, a little girl at the time. I don't know exactly why. The only thing

10 that I remember is what I have told you. To obtain other information, you can check

11 these things with my father." Can you confirm the statement that you gave?

12 A. Yes, I can confirm that.

13 MR KILOLO: (Interpretation) Mr Registrar, I'm still interested in the same

14 document, but page 33 this time, 0063.

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

16 MR KILOLO: (Interpretation)

17 Q. Witness, I will now read another extract out to you, another extract from the

18 interview that you had with investigators from the Prosecution in Bangui. The

19 investigator put the following question to you, and I quote, "Did you notice whether

20 there was a leader amongst them?" The question concerned the Banyamulengue.

21 And your answer was as follows, "I was too young at the time and I can't remember

22 these details now. You can put this question to my father; he is the only one who

23 can tell you something about that."

24 Can you tell us whether you stand by that statement?

25 A. I stand by that statement. It's my statement.

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1 Q. Thank you. Could you now tell the Court which father you are referring to
2 exactly?

3 A. Could you please repeat your question?

4 Q. When OTP investigators interviewed you in Bangui, at one point in time when
5 they asked you some questions about the events, or about the reason for certain
6 events, you told them that they should put the question to your father. Which father
7 are you referring to?

8 A. I am referring to my grandfather (Redacted).

9 Q. Can you tell me which (Redacted) is concerned? Can you tell me (Redacted)
10 family name?

11 A. (Redacted).

12 Q. Thank you. How do you know that your grandfather is familiar with the
13 details of the attack that you were a victim of?

14 A. I was very young at the time. I said what I had experienced, but he is a mature
15 man and perhaps, given his position, he might have knowledge or might be able to
16 express certain things that I wasn't familiar with.

17 Q. But when you told them to put the question to your father, or to your
18 grandfather as you now say, how is it that you knew that he was familiar with the
19 matter?

20 PRESIDING JUDGE STEINER: Madam Kneuer.

21 Witness.

22 MS KNEUER: Thank you, Madam President, your Honours. I think the question
23 posed to the witness is unfair. The question is again taken out of context. The two
24 quotations that were put to the witness related the one time to a potential leader and
25 the other time -- sorry, I have to find the reference. Sorry, Madam President, I have

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1 to find it in the transcript.

2 The other quotation that was posed to the witness was about the question why the
3 Banyamulengue harmed her family. Well, now we have the question about the
4 harming of the family, the leader and the attack. I don't think that there is a real
5 contradiction, but in any event I think the way -- how the question was put to the
6 witness was not fair to her.

7 I think there is a -- there should be a way to put the question in a more simple and
8 clearer way, that she's not getting confused, an alleged contradiction which may not
9 be there, depending on her response.

10 PRESIDING JUDGE STEINER: Maître Kilolo, I think the objection made by the
11 Prosecution is relevant. So if you want to ask about how the father or grandfather
12 knew about what happened to her, it's one question. In relation to who was the
13 leader of the Banyamulengue or other kind of question is a completely different
14 approach. So could you please be more precise to the witness?

15 MR KILOLO: (Interpretation) Thank you, your Honour. In fact, my question was
16 simply the following: The witness was asked something about the events, the
17 Banyamulengue arrived, and the question was whether there was a leader amongst
18 them and she said that the question should be addressed to her father. That was an
19 example.

20 Q. And the question for you, Witness, is the following: When you say -- when
21 you tell them to put the question to your father or to your grandfather and you didn't
22 tell the investigators the name of your father or grandfather, how do you know that
23 when you told them, "Put the question to my father," how did you know that they
24 would be in a position to identify him?

25 A. I was in the habit of calling my grandfather "Father" or "Papa."

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1 Q. And finally your father, or grandfather, did he provide you with details of your
2 attack?

3 A. When he met them, I wasn't present. I wasn't there.

4 MS KNEUER: Madam President, your Honours, this is now the fourth time that
5 Defence counsel is asking a question, or suggesting to the witness that the father or
6 grandfather provided her some information, or advised her, but three times the
7 witness already testified that her father or grandfather never provided information to
8 her. There's nothing in the testimony of the witness that would suggest to continue
9 this way of asking the witness questions.

10 PRESIDING JUDGE STEINER: Maître Kilolo.

11 MR KILOLO: (Interpretation) I'll take that into consideration, your Honour. I'll
12 move on to the following question.

13 PRESIDING JUDGE STEINER: Thank you.

14 MR KILOLO: (Interpretation) Could we now have CAR-OTP-0035-0039, page 1.

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

16 MR KILOLO: (Interpretation) Thank you. As I said, I'll move on to my
17 following question. It concerns identification.

18 Q. Witness, I don't know whether you can read, or would you like me to read this
19 out for you, under the supervision of the Presiding Judge, of course? If not, I'll ask
20 you to read the name of the father who provided information on your document, on
21 the witness's statement. So it concerns the name of your father. Can you read the
22 name of your father?

23 A. Could you read it out, please?

24 Q. Very well, I'll read out the document dated 31 August 2008, before the
25 investigators in Bangui. "Name of the father: (Redacted). Mother's name:

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1 (Redacted). (She doesn't know her family name)." This is the information
2 concerning your parents' names, your mother's name and your father's name. I will
3 also ask for the same document to be shown, page 8, CAR-OTP-0037-0038, the last
4 two paragraphs and I will read this out for you, Witness. The investigators asked
5 you, "What is your father's name?" And your answer was, (Redacted). Can
6 you confirm what you said there?

7 A. I can tell you that it's my grandfather. I'm in the habit of calling him papa,
8 father, and that is why I provided his name as my father's name.

9 Q. Thank you. I will now ask the Register to show the following page,
10 CAR-OTP-0037-0039. I'm interested in the first two paragraphs. I'll read it out for
11 you, Madam Witness. The investigators asked you the following question, having
12 asked you about your father's name, you asked about your mother's name and the
13 answer was, (Redacted). I only know her first name." Do you stand by that
14 statement?

15 A. I stand by that statement. In fact, the person concerned is my grandmother,
16 but I am in the habit of calling her "mother, maman."

17 Q. Thank you. I will now ask the Register to show another document. It's the
18 annex to the application for participation. It's application a/2413/10 dated
19 7 September 2010. It's the penultimate page I'm interested in.

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

21 MR KILOLO: (Interpretation)

22 Q. Witness, you can see a document on your screen now. It says "Birth
23 Certificate". Is this your birth certificate?

24 A. It is my birth certificate.

25 Q. I'll read out the names given as the name of your father. (Redacted) is

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1 referred to, daughter of (Redacted). Can you confirm this?

2 A. Yes, that's correct.

3 Q. Can you explain for the benefit of the Chamber the difference between the
4 identity of the parents referred to before the ICC investigators and the names that one
5 can find in your application for participation two years later in July 2010?

6 A. Could you rephrase your question, please?

7 Q. In August 2008, you said that your father's name was (Redacted) and your
8 mother's name was (Redacted). You said you didn't know her family name. Two
9 years later, in July 2010, you said that your father's name was (Redacted) and your
10 mother's name was (Redacted). Can you explain for the benefit of the Chamber
11 why there is this difference between these two versions?

12 A. I'm very used to my grandfather, and that is why I consider him as my father.

13 Q. At the time did you provide these explanations to the ICC investigators, in the
14 year 2008?

15 A. No.

16 Q. Thank you. Could you tell the Court why you didn't clarify this matter for the
17 ICC investigators?

18 A. There's no good reason.

19 Q. Could you tell us what (Redacted) mother tongue is?

20 A. (Redacted) speaks (Redacted).

21 Q. Thank you. Could you say what (Redacted) mother tongue is?

22 A. It's (Redacted).

23 Q. Thank you. Can you speak (Redacted)?

24 A. I understand it a little but I can't speak it.

25 Q. Can you then tell us what your mother tongue is?

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1 A. I don't speak my mother tongue. I can understand my grandfather's mother
2 tongue to a certain extent.

3 JUDGE ALUOCH: Mr Kilolo, can I just find out from the witness, was she living
4 with her grandfather (Redacted) and, if so, for how many years was she living with
5 him? She calls him father, grandfather. Is that where she was living and, if so, for
6 how many years?

7 MR KILOLO: (Interpretation) Thank you, your Honour, for this relevant
8 question.

9 THE WITNESS: (Interpretation) I was born in my grandfather's house. I grew up
10 in my grandfather's house. I went to marriage at my grandfather's house, and that is
11 how it is that I call him "papa," father.

12 JUDGE ALUOCH: If I can just put another question. So how much time did you
13 spend with your parents, with your father, for example, (Redacted)? How much
14 time in your childhood?

15 THE WITNESS: (Interpretation) My father encouraged my mother who lived at
16 my grandfather's. I was born at my grandfather's. I always lived at my
17 grandfather's and that is how I'm only used to my grandfather and my mother -- my
18 father made my mother pregnant.

19 JUDGE ALUOCH: Thank you.

20 MR KILOLO: (Interpretation)

21 Q. Witness, we'll certainly be concluding soon. It's almost 1600. One of my last
22 questions: Now, how is it, how can you explain that you don't speak the same
23 mother tongue as (Redacted)?

24 A. I'm very used to him. When he speaks, I try to understand him, but I'm not
25 able to speak this language currently, fluently.

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1 Q. Madam, can you say what your ethnic group is, in fact?

2 A. I am (Redacted). My grandfather is (Redacted).

3 Q. And your grandmother?

4 A. (Redacted).

5 Q. How do you explain the fact that people you say are family members of yours
6 don't come from the same ethnic group as you do?

7 A. My father (Redacted), so that's why I have the same membership of the ethnic
8 group. My grandfather, well, I don't take the ethnic group of my grandfather. I
9 don't belong to that ethnic group.

10 MR KILOLO: (Interpretation) Your Honour, do you think we could have another
11 three minutes to conclude with this matter?

12 PRESIDING JUDGE STEINER: (Interpretation) Three minutes.

13 MR KILOLO: (Interpretation) Thank you.

14 Q. Witness, your father (Redacted), or your mother (Redacted), can you tell us who
15 is (Redacted) child?

16 A. (Redacted).

17 Q. If I told you that (Redacted), who you have referred to (Redacted)
18 (Redacted), what would you say?

19 A. Well, my mother was suffering from depression. She is not a stable person and
20 that is why she couldn't be included in that list.

21 PRESIDING JUDGE STEINER: Maître Kilolo, one second. Madam Witness, is your
22 biological mother, (Redacted), still alive?

23 THE WITNESS: (Interpretation) Yes.

24 MR KILOLO: (Interpretation) With regard to this question, your Honour, I would
25 just like to refer to something for the record; namely, CAR-OTP-0034-00107_R02,

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1 EVD-02556.

2 PRESIDING JUDGE STEINER: Maître Kilolo.

3 MR KILOLO: (Interpretation) Do you think I could ask the last question? Thank
4 you very much, your Honour. It really is the last question.

5 Q. Witness, today you were asked a question as to who your grandmother was and
6 you said she was called (Redacted). Do you confirm that?

7 A. I confirm that.

8 Q. Could you therefore state who (Redacted) is, who you yourself mentioned in
9 2008 as being your mother?

10 A. (Redacted) of my grandmother (sic).

11 MR KILOLO: (Interpretation) Thank you very much. I think that will be it for
12 today. I would like to thank for your indulgence, your Honour.

13 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo.

14 Madam Witness, we are going to suspend our hearing now. Now you can take some
15 rest. We wish you a very restful night. We are coming back tomorrow morning at
16 9.30 in the morning, when the Defence counsel will continue questioning you.

17 Thank you very much for being here, and now I'm ordering the court officer to turn
18 into closed session in order for the witness to be taken out of the courtroom. In the
19 meantime, I wish to thank the Prosecution team, the legal representatives of victims,
20 the Defence team, Mr Jean-Pierre Bemba Gombo, I hope you're feeling better now.

21 Thank you for our interpreters and court reporters. We will adjourn and we'll
22 resume tomorrow morning at 9.30 in the morning. Court officer, please.

23 *(Closed session at 4.06 p.m.) Reclassified as Open session

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

25 (The witness stands down)

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1 THE COURT OFFICER: All rise.

2 (The hearing ends at 4.07 p.m.)

3 CORRECTIONS REPORT

4 The Court Interpretation and Translation Section has made the following corrections
5 in the transcript:

6 * Page 27 line 3:

7 "everyone continues to make fun of me " is corrected by "my first partner abandoned
8 me with the baby because of all that."

9 * Page 31 line 19 to 20:

10 "One took the television set. I was on the ground." is corrected by "One took the
11 television set and threw it on the ground."

12 SECOND CORRECTIONS REPORT

13 The Court Interpretation and Translation Section has made the following correction
14 in the transcript:

15 *Page 34 ligne 5

16 "for the Chamber" is corrected by "for the witness"

17 RECLASSIFICATION REPORT

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

19 ICC-01/05-01/08-3038 and the instructions in the email dated 9 September 2013, the

20 version of the transcript with its redactions becomes Public

21