

Trial Hearing

(Open Session)

ICC-01/05-01/08

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Situation: Central African Republic

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

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

6 Judge Kuniko Ozaki

7 Trial Hearing

8 Monday, 17 January 2011

9 (The hearing starts in open session at 9.41 am.)

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, everyone. Could, please, court

15 officer call the case.

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

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

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

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

20 Prosecution team, legal representatives of victims, representatives of OPCV, the

21 Defence team, Mr Jean-Pierre Bemba Gombo, our interpreters, court reporters.

22 So, before we start with the questioning of our next witness, just some information:

23 First, on Friday 14 January, the legal representatives of victims, Maître Zarambaud,

24 made a public filing of his application to question Witness 23. Due to the fact that

25 the filing contains the actual list of questions that the legal representatives requests to

1 ask the witness, and regardless of whether the information itself is sensitive, the filing
2 should have been classified as confidential in order that the witness does not know
3 the questions in advance and cannot prepare the answers to the questions, negating
4 the very purpose of questioning, should the Chamber grant the application.
5 Upon being alerted by the Prosecution about the public nature of the filing, the
6 Chamber took immediate action through the Registry and blocked public access to
7 the document pending its reclassification as confidential, which was duly carried out
8 on that same evening by the Registry. I just like to remind legal representatives of
9 victims that, in future, such application to question witnesses may be made
10 confidentially. Thank you very much.
11 Today we are going to start questioning Witness 68, and on Friday's evening I gave
12 the general structure of protective measures for the witness, and as the parties and
13 participants will recall, by an oral decision the Chamber granted protective measures
14 for Witness 68.
15 Following the hearing on Friday, the Chamber received an updated psychological
16 assessment for Witness 68 prepared by VWU psychologist. On the basis of this
17 assessment, the psychologist recommends that the witness is given additional
18 support in the form of in-court assistance from a VWU support assistant and also the
19 presence of the psychologist in Court to monitor the witness as required.
20 In addition, the psychologist again recommends that counsel should use short and
21 simple open-ended questions and should ensure that the witness has understood the
22 questions asked. It's also recommended that such questions are put in a
23 non-confrontational manner and that embarrassing questions are avoided or
24 formulated as delicately as possible.
25 Finally, the assessment states that sessions should last for no more than one

1 and-a-half hours, that breaks should be offered more regular and where the witness
2 shows signs of fatigue, distress or dwindling concentration.

3 Based on the assessment made by the psychologist, the Chamber endorses all the
4 above recommendations and allows the presence of a VWU support assistant, as well
5 as the psychologist in Court.

6 The Chamber also asks that counsel pay close attention to the manner in which they
7 question this witness following the recommendations just outlined.

8 Finally, counsel are asked -- are also asked to be mindful of the witness's literacy
9 skills when asking questions that require the witness to read or write anything.

10 I hope all these measures are acceptable by both teams and then we can proceed with
11 Witness 23's testimony in court.

12 Is that fine for the Defence as well? I notice the absence of Maître Liriss.

13 MR HAYNES: Yes. He apologises for his absence. He should be with us
14 tomorrow. Whilst I'm on my feet, could I introduce our pro bono legal assistant,
15 Marta D'Alia. It's her first appearance in court.

16 PRESIDING JUDGE STEINER: You are welcome to this Court. So, court officer, let
17 us go please into closed session in order for the witness to be brought into the court.

18 *(Closed session at 9.49 a.m.) Reclassified as Open session

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

20 PRESIDING JUDGE STEINER: In the meantime, just a correction. We here are
21 talking about Witness 68, not 23. So I apologise for that.

22 (The witness enters the courtroom)

23 PRESIDING JUDGE STEINER: Good morning, Madam Witness.

24 THE WITNESS: (Interpretation) Good morning to you.

25 PRESIDING JUDGE STEINER: So you are very welcome to this courtroom, and the

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- 1 Chamber will, first of all, facilitate you taking the oath by reading out the words on a
2 printed card. These are the words of the oath and we ask you, please, to repeat.
3 Do you understand, madam?
4 THE WITNESS: (Interpretation) I understand.
5 PRESIDING JUDGE STEINER: So, please, I ask court officer to read very, very
6 slowly the wording of the oath for the witness to repeat.
7 THE COURT OFFICER: Yes, Madam President. I solemnly declare that I will
8 speak the truth, the whole truth and nothing but the truth.
9 (Pause in proceedings)
10 THE WITNESS: (Interpretation) Do you want me to repeat the oath? I beg your
11 pardon. Do you want me to repeat what this gentleman has just said?
12 PRESIDING JUDGE STEINER: Yes. We are going to ask you again, and first, court
13 officer, turn into open session and then we are going again into the oath and I ask you,
14 please, to read sentence-by-sentence and wait for the witness to repeat. So but first
15 turn into open session, please.
16 (Open session at 9.55 a.m.)
17 THE COURT OFFICER: We are in open session, Madam President.
18 PRESIDING JUDGE STEINER: So please, court officer, read sentence-by-sentence to
19 be able for the witness to repeat.
20 WITNESS: CAR-OTP-PPPP-0068 (Sworn)
21 (The witness speaks Sango)
22 PRESIDING JUDGE STEINER: Thank you very much, Madam Witness. Now that
23 you have taken the oath, madam, can I confirm that you understand what the oath
24 means?
25 THE WITNESS: (Interpretation) I've understood.

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1 PRESIDING JUDGE STEINER: Do you understand it to mean that you must give
2 answers to questions asked that are true and accurate, to the best of your knowledge
3 and belief?

4 THE WITNESS: (Interpretation) Yes.

5 PRESIDING JUDGE STEINER: Madam Witness, you have had explained to you by
6 the Victims and Witnesses Unit staff during your familiarisation process since
7 arriving in The Hague. You will be questioned by the Prosecution first, then you
8 will be questioned by the legal representatives of victims and, finally, by the Defence.
9 The Chamber wants to inform you that it has put in place some protective measures
10 to protect your identity from the public. So, during your testimony you will be
11 called "Madam Witness" or "Witness 68." Your name will not be pronounced.
12 Your voice and also your image outside the courtroom will be distorted so you
13 cannot be identified by the public and by anyone outside this courtroom. You also
14 have a supporting person sitting at your side.
15 The Chamber wants to reassure that, if at any time you feel tired or distressed or need
16 a break for any reason, you should simply say so and the Chamber can take a short
17 break to give you some time. Do you understand that, Madam?

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

19 PRESIDING JUDGE STEINER: And finally, Madam, because we speak different
20 languages, there is interpretation so that we can all understand each other. Because
21 of this, it is important that you speak slower than normal to allow the interpreters to
22 do their job. This can seem unnatural, as the way I am speaking right now, but try
23 not to start speeding up. Otherwise, I will have to remind you to slow down again.
24 If I need to do that, it's only for practical purposes and should not discourage you
25 from speaking. Do you understand that, Madam?

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1 THE WITNESS: (Interpretation) I understand you quite well.

2 PRESIDING JUDGE STEINER: I have a few questions for you, Madam Witness.

3 Since you arrived in The Hague, have you been given the opportunity to read or have
4 read to you the statement or statements that you made to the Court?

5 THE WITNESS: (Interpretation) Yes.

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

8 THE WITNESS: (Interpretation) Yes.

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

11 THE WITNESS: (Interpretation) Yes, everything I am saying is the -- everything I
12 said is the truth.

13 PRESIDING JUDGE STEINER: Thank you very much, Madam Witness, and now
14 we will start with the questioning by the Prosecution. The Prosecution will start
15 with the questioning, okay? Are you fine with that?

16 THE WITNESS: (Interpretation) Yes, I've understood you very well.

17 PRESIDING JUDGE STEINER: Thank you. Madam Kneuer.

18 MS KNEUER: Thank you, Madam President.

19 QUESTIONED BY MS KNEUER:

20 Q. Good morning, Madam Witness .

21 A. Good morning to you.

22 Q. We met last week, so you know my name is Petra Kneuer, and I will be asking
23 you questions on behalf of the Prosecution. First, I would like to thank you for your
24 presence today and your cooperation with the Court.

25 Before I will start asking you questions, I would like to explain to you the procedure

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1 of interpretation. I will ask my questions to you in English, which will be translated
2 to you in Sango and vice-versa. We will both need to speak slowly and into the
3 microphone and try to pace ourselves so as to allow the interpreters to interpret in
4 both languages, English and Sango. Can you hear me clearly, Madam Witness?

5 A. Yes, I understand you perfectly.

6 Q. Very well, Madam Witness. I will ask you questions regarding your
7 experiences during the conflict in the Central African Republic in 2002 and 2003.
8 During the questioning, I will ask you different types of questions. These may
9 include "When," "Why," and "How do you know" questions. Please do not take
10 offence if you're asked these questions. It is important for the Court to understand
11 the basis of your knowledge of the facts. Do you understand?

12 A. Yes, I understand.

13 Q. Also, if there are any questions that you wish to ask, or if there are questions
14 which you do not understand, please ask me to repeat or rephrase and I will do so.
15 Please feel also free to ask for clarification and to ask if you don't understand any
16 aspect of the proceedings. Last, if you don't know the answer to a question, you can
17 just say so. There is nothing wrong with not knowing an answer, or not
18 remembering certain things. Do you understand that, Madam Witness?

19 A. Yes, I understand.

20 MS KNEUER: Madam President, may we move into private session so I can ask the
21 identifying information from the witness, please?

22 PRESIDING JUDGE STEINER: Court officer, please, let's go into private session,
23 and explaining to the witness that "private session" means that nobody outside the
24 courtroom can listen to your answers.

25 *(Private session at 10.09 a.m.) Reclassified as Open session

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

2 MS KNEUER:

3 Q. Madam Witness, I will ask you some questions about your identity and, as
4 Madam President has indicated, you can respond to them without revealing your
5 information to the public because everything you're saying will stay in this courtroom.

6 Madam Witness, could you please state your full name?

7 A. Yes, my name is (Redacted).

8 Q. What is your date of birth?

9 A. I was born on (Redacted).

10 Q. Can you tell us your place of birth?

11 A. I was born in Bangui.

12 Q. Are you married, Madam Witness?

13 A. (Redacted)

14 Q. Do you have children?

15 A. Yes, I have (Redacted).

16 Q. Are you responsible for any other children, Madam Witness?

17 A. Yes, (Redacted)

18 (Redacted)

19 Q. Can you tell us your educational background, Madam Witness, please?

20 A. I stopped school in (Redacted)

21 Q. Did you participate in any kind of training?

22 A. Yes, I had training in (Redacted). It was training in (Redacted).

23 Q. Where did you receive this (Redacted) training?

24 A. It was in Bangui.

25 Q. Do you recall who provided the training to you?

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1 A. Yes, I remember.

2 Q. Would you please share with us who provided the training to you?

3 A. (Redacted) (phon) was the person's name. I've forgotten the first name. I
4 only remember the surname. He is the -- it was the -- he was the person who was in
5 charge of the NGO.

6 Q. If you remember the name of the NGO, can you please tell us the name?

7 A. The NGO was (Redacted)

8 Q. What is your current occupation?

9 A. For the time being I'm not working, but from time to time I sell things and I
10 grow produce.

11 Q. Madam Witness, where do you live at present? However, before you respond,
12 I kindly advise you not to mention the exact location, just the town, because the exact
13 location is not known to everybody in this courtroom.

14 A. I now live at PK12.

15 Q. Between October 2002 and March 2003, where were you living at that time?
16 And again, I kindly ask you to not share the exact location, just the town.

17 A. I lived in the fourth arrondissement.

18 Q. Who was living with you at that time, Madam Witness?

19 A. I lived with my brothers and sisters and my mother.

20 Q. What is your nationality, Madam Witness?

21 A. I am from Central Africa. That's my nationality.

22 Q. What languages do you speak?

23 A. I speak Sango, Mandja and a little French.

24 MS KNEUER: Madam President, I believe we can move into public session, please.

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

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1 (Open session at 10.20 a.m.)

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

3 MS KNEUER:

4 Q. Madam Witness, I will continue to ask questions now in open session. This
5 means that the public will be able to hear everything that we are saying, and because
6 the Court has granted protective measures for you, we both will have to be careful
7 not to reveal any information that may lead to your identification or of other victims.
8 Therefore, if you would like to refer to names, please don't do so but indicate to me
9 and I will request Madam President to go into a private session. Do you understand
10 this?

11 A. Yes, I understand.

12 Q. Madam Witness, I would like to take you back in time and ask you questions
13 about events that may have taken place in the Central African Republic between
14 October 2002 and March 2003. Do you agree?

15 A. Yes, I do agree.

16 Q. In private session you told the Court where you were living between
17 October 2002 and March 2003. Please do not repeat this location in public session.
18 Can you tell us what, if anything, was happening during that period in the Central
19 African Republic?

20 A. Yes.

21 Q. What happened during that time, Madam Witness?

22 A. When the events began, people were fleeing. I stayed at my house, I didn't
23 leave because in my house there were relatives. My mother and the children left,
24 but I stayed there with the wife of one of my brothers. Together we remained there.
25 The events were rather difficult, and we stayed in the house two days. And when it

1 was the 27th, on the 27th there were shooting, shelling, and so where we were it was
2 rather difficult. We were very frightened.

3 When things calmed down, we went outside and we could see empty cartridges.
4 Everyone was so scared that I asked my brother's wife to -- for us to go to kilometre 5
5 because at least there was peace, to take refuge, and that is why we left the house.
6 We crossed the main road to take the paths inside the neighbourhood and go onto
7 Miskine, and from there go on to kilometre 5. So it was en route that we met up
8 with these wicked men.

9 Q. Madam Witness, for the moment I would like to focus on the shooting and
10 shelling. Who was involved in that shooting and shelling?

11 A. I don't know, but there was shooting. We could see bullets in the air. There
12 was trembling; the explosions actually made the ground shake.

13 Q. You mentioned that you met with, and I quote, "wicked men." What do you
14 mean by that?

15 A. Yes. On the way, when we got to a certain place, we met up with soldiers at a
16 crossing, at an intersection. They were dressed in the uniforms of the Central
17 African army, and I thought they were Central African soldiers. When we got to a
18 certain place as we were making progress, we met a group of soldiers that were
19 pushing a car so as to take it out of a compound, and as we were going by they told
20 us to stop, and when we did stop, they spoke among themselves in a language that I
21 didn't understand.

22 After that, one of them came over to me and took my -- seized me and another one
23 seized my sister-in-law and they forced us to go into the compound. Another one
24 took the package that I was carrying on my head. They took me inside the
25 compound and, when we got there,* they began to undress me, sexually assault me, and they

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1 spoke amongst themselves while they were assaulting me.

2 Q. Madam Witness, we will come back to the assault at a later stage. First I have
3 a few more questions about the time of the shooting. You mentioned that you
4 stayed in your house during the shooting and shelling. Did you hear anything
5 regarding this fighting?

6 A. I was at the market. Well, we were inside and we followed the news on the
7 radio, and it was through the radio that we attempted to understand what was going
8 on.

9 Q. Which radio station were you listening to?

10 A. Radio Bangui.

11 Q. In what language was the broadcast delivered?

12 A. It was in the Sango language.

13 Q. Madam Witness, you stated that through the radio you were able to understand
14 what was going on. Can you share with us what was going on?

15 A. From what I was listening to, it seemed that the events began because the rebels
16 had attacked. After heavy weapon fire, we learnt that the rebels were 200 metres
17 from the residence of the Head of the State. After a while, things settled down.
18 That is what I learnt.

19 Q. When you refer to the "rebels," who do you mean by that?

20 A. Those who came with Bozizé. Those are the ones that we called the rebels.

21 Q. What did the Bozizé rebels attack?

22 A. No, from what I learned the rebels had attacked, had triggered hostilities and
23 there were weapons firing in all directions and people had to take shelter inside their
24 houses.

25 Q. Madam Witness, I believe my question was not precise enough. Which town

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1 did the Bozizé rebels attack?

2 A. Starting from PK12, at the level of PK12 and in the direction of the fourth
3 arrondissement, that is where you could see bullets flying everywhere. They were
4 shot from the centre of town in the direction of PK12. There were bullets flying all
5 over the place in a disorderly manner.

6 Q. Did the broadcast say against whom the rebels were fighting?

7 A. I was told that the rebels had attacked and then later on I saw how the bullets
8 were flying about.

9 Q. At a later stage, did you learn against whom the Bozizé rebels fought?

10 A. No, I didn't know who the rebels were fighting against.

11 Q. Do you know it now?

12 A. What are you referring to exactly?

13 Q. Let me try it from a different angle, Madam Witness. Do you know why the
14 Bozizé rebels attacked the area that you identified?

15 A. I don't know.

16 Q. How did the government of the Central African Republic respond to this attack
17 from the Bozizé rebels?

18 A. It wasn't until later that the radio station announced that the rebels were 200
19 metres from the residence of the Head of the State. After a while things settled
20 down again, and when we decided to flee it was on the way that we met with the
21 Banyamulengue. The radio station also said that the Banyamulengue had come to
22 give their support to the Head of the State. That is what I learnt from the radio.

23 Q. Who was the Head of the State at that time, Madam Witness?

24 A. Ange-Félix Patassé.

25 Q. You mentioned the name "Banyamulengue." To whom are you referring by

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1 the name of "Banyamulengue"?

2 A. Those that we met as we were leaving and who misbehaved towards us, they
3 were the ones that were called the Banyamulengue.

4 Q. Where did the Banyamulengue come from?

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

6 Q. Who was the boss of the Banyamulengue?

7 A. I didn't know that during the events.

8 Q. Do you know now who the boss of the Banyamulengue was?

9 A. We were told how people were pointing at the person in question, accusing
10 him.

11 Q. Do you know the name of that person?

12 A. Yes.

13 Q. What is the name of that person?

14 A. Well, Bemba was the head of the rebels. That's what was said.

15 Q. You mentioned earlier that the Banyamulengue came from the other side of the
16 river. To which area are you referring to?

17 A. Well, I was referring to the Zaire, on the other side of the river.

18 Q. Madam Witness, you stated that you heard on the radio that the
19 Banyamulengue had come to give their support to the Head of State. Was it
20 broadcast what kind of support and why support was needed?

21 A. Whether I knew?

22 Q. If there was broadcast -- if it was broadcasted and you learned that way about
23 the support?

24 A. They came -- well, it was as regards the fighting, the fighting that had taken
25 place, and the radio station reported -- was reporting on that.

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1 Q. What was the date when you heard this broadcast on the radio?

2 A. It was on 27 October, 27 October 2002.

3 Q. How often did the radio report about the events during the conflict?

4 A. When the events commenced, they reported them, as well as the days on which
5 the events took place.

6 Q. Apart from 27 October 2002, did you listen to the radio during the conflict?

7 A. After the 27th?

8 Q. (Microphone not activated) ... October 2002.

9 A. I used to listen to the information on the radio.

10 Q. How often did you listen to the radio during the conflict?

11 A. On the days on which I don't listen to the radio is when I carry out my activities,
12 but given that I am free at home, I listen to the radio.

13 Q. Apart from the fighting, did the radio report anything else about the events?

14 A. It spoke about pretty much everything.

15 Q. Did the radio report speak about anything related to the conflict?

16 A. The information on the radio spoke about other things, not just about the
17 conflict.

18 Q. Why did the Banyamulengue come from the other side of the river to the
19 Central African Republic?

20 A. It was in the events that took place when the radio said that the Banyamulengue
21 had come in aid of the President of the Republic.

22 Q. Madam Witness, from your house were you able to hear any of the ongoing
23 fighting at that time?

24 A. How could I hear people speak about such fighting, or at least this fighting, at
25 the time?

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1 Q. Madam Witness, I meant something different and it's entirely my fault so I will
2 try to rephrase my question. When you were in your house, could you hear the
3 shooting and shelling?

4 A. Yes, because the shooting and shelling -- well, there was shelling and that made
5 a lot of noise. It almost went over the house. The house shook, even the ground
6 shook. Where it concerns the other fighting, I didn't hear shots, but I did see -- I saw
7 cartridges. The most difficult thing was the shelling. The house shook, and the
8 ground on which we were shook itself, but where it concerned the others I didn't hear
9 that.

10 Q. You mentioned earlier that your mother and the children left when the conflict
11 started. Can you explain to us the reason why they left their home?

12 A. They were afraid of what was happening. I decided to stay to watch over the
13 house.

14 Q. What was the specific reason for you to stay to watch over your house?

15 A. It's a house. We can't all just leave, but because they couldn't cope with the
16 firing and explosions, I thought that that was something which I could deal with; but
17 when there was the shelling, which made the walls of the house shake, I got afraid
18 and I decided to take refuge elsewhere, and that's how I fell into the ambush.

19 MS KNEUER: Thank you, Madam Witness. Madam President, I think it's time to
20 take the break, if I'm not mistaken.

21 PRESIDING JUDGE STEINER: Madam Witness, we are going to have now a
22 half-an-hour break for you to take some rest and then we will continue with the
23 Prosecution's questioning. I please ask, court officer, to turn into closed session in
24 order to allow the witness to leave the courtroom. We are suspending now and we
25 will return at 11.30.

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1 *(Closed session at 10.58 a.m.) Reclassified as Open session

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

3 (The witness stands down)

4 THE COURT OFFICER: All rise.

5 (Recess taken at 10.59 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: So we are resuming our session and I ask, please, the
9 court officer to order the witness to be brought into the courtroom.

10 (The witness enters the courtroom)

11 PRESIDING JUDGE STEINER: Court officer, could we turn back into open session,
12 please.

13 (Open session at 11.37 a.m.)

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

15 PRESIDING JUDGE STEINER: Thank you very much. Madam Witness, welcome
16 back. Are you ready to continue with giving testimony to the Prosecution, Madam
17 Witness?

18 THE WITNESS: (Interpretation) Yes.

19 PRESIDING JUDGE STEINER: So whenever you feel tired, or distressed, or you
20 want a break, just let me know.

21 Madam Kneuer, you have the floor.

22 MS KNEUER: Thank you, Madam President.

23 Q. Madam Witness, before the break you provided to us information about the
24 conflict in the Central African Republic. I will have some clarification questions for
25 you, but I will ask them at a later stage. I would like to draw your attention now to

1 the ambush that you mentioned this morning. It may be difficult for you to share
2 with us what happened to you but, as Madam President indicated, you may request a
3 break at any time. Is it acceptable for you that we now talk about what happened to
4 you, if anything happened, during the conflict?

5 A. Yes.

6 Q. Madam Witness, can you please explain to the Court what happened to you
7 during the events?

8 A. Yes.

9 Q. Please go ahead, Madam Witness.

10 A. It was along the way. That is when we came across them. There was a group
11 of them. They stopped us. They spoke to one another. One of them grabbed me
12 by the hand, the other one grabbed my sister-in-law by the hand and they grabbed us.
13 Two followed. Another one grabbed the possessions that I had in a bag. He
14 grabbed those possessions. There was a compound along the way as we were going
15 towards the Miskine lycée. There were some houses there with fences and they
16 brought a vehicle out from one of these compounds. They brought me into the
17 compound. They sexually assaulted me. They forced me to take my clothes off.
18 They brandished a weapon. They threw me to the ground, they took my clothes off
19 and they slept with me.

20 Q. Thank you, Madam Witness. On which day did that happen?

21 A. It was on the 27th.

22 Q. Can you please also provide the month and the year?

23 A. It was on 27 October 2002.

24 Q. Is there a reason why you remember that date?

25 A. That's what happened to me and I had to remember it and to keep that date in

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1 my mind, in a jealous way.

2 Q. Do you recall what time of the day it was?

3 A. It was around 1 in the afternoon, between 1 and 2 in the afternoon.

4 Q. You mentioned earlier, and I quote from page 22, line 13, "It was along the
5 way." And you also referred, I quote, "to Miskine lycée." It's the same page, line 19.

6 Can you explain a little bit -- in a little bit more detail where exactly it was, on which
7 road?

8 A. It was a road that came off of the -- that came from the neighbourhood towards
9 the main road towards the airport. If you cross there, you get to the Miskine lycée.
10 At that place, you can see the Miskine lycée.

11 Q. How many people did the group contain that you met there?

12 A. There were many of them. This were many of them in the group. There were
13 also -- there was also another group in which there were many soldiers at the Miskine
14 lycée. When I came out, wanting to go along the avenue, I saw them and so I turned
15 back and I went by way of the neighbourhood to go to another place because I could
16 not take the path that I had come by.

17 Q. You referred to the group as "them" or "they." Can you specify what you mean
18 by that?

19 A. I said "them" because there were many of them. "Them," I'm speaking in the
20 plural. There were many of them.

21 MS KNEUER: Thank you, Madam President.

22 Q. When you are saying "them," who are you referring to?

23 A. I was talking about the Banyamulengue. That's how we referred to them, "the
24 Banyamulengue."

25 Q. In which language did the Banyamulengue of that group speak to each other?

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1 A. They were speaking in Lingala.

2 Q. Can you please explain to the Court how you know that they spoke Lingala?

3 A. I knew that it was Lingala because we were in the habit of meeting women who
4 came from the other side of the river. They would come and sell things on our side.
5 These women told us that that is how they spoke on the other side of the river.

6 Q. Do you know Lingala from any other contacts you had in the past?

7 A. I don't know. It's just because of the language that is spoken, that is how I
8 knew that it was Lingala that they were speaking.

9 Q. Have you heard the language of Lingala in any other context than with traders?

10 A. Yes. I had an opportunity to listen to many women who had come to sell corn
11 and other goods in our country. Those women spoke Lingala.

12 Q. Madam Witness, can you please describe the Banyamulengue that you met
13 outside of the compound?

14 A. I haven't understood your question. I have not understood the question
15 properly, I'm sorry.

16 Q. There's no need to be sorry, Madam Witness. I will repeat the question. Can
17 you describe how the Banyamulengue were dressed?

18 A. They were wearing the clothing of the soldiers of the Central African Army.

19 Q. Were the Banyamulengue you saw outside the compound carrying anything?

20 A. The ones I saw had uniforms and weapons. I saw nothing else.

21 Q. Do you know which kind of weapons they were carrying?

22 A. They had weapons with rifles with a pointed end and a brown butt, the brown
23 butt of the rifle.

24 Q. Did every Banyamulengue in the group have a weapon?

25 A. All the Banyamulengue had a weapon. Each one had a weapon.

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1 Q. Can you tell us in which neighbourhood you met this group of

2 Banyamulengue?

3 A. The place where I was raped, on my way back I wanted to take the road and I

4 saw another one along the road. There were also some young people. Others were

5 with them. The ones who were at the lycée, they were -- there were many of them,

6 so I was afraid and I went behind the houses. I took another path. Once I got to

7 the road that goes beside the house of Changi (phon), that is called the Changi road, I

8 saw the young men here. I was crying. When we met they asked me what had

9 happened and I said to them that, as I fled, I'd fallen into an ambush of these men,

10 and they said that they were fleeing. There were about 50 of them. They had been

11 taken. They had been to the fourth arrondissement. As well as the chief called one

12 of the commanders and said to him that he had met some young men, and the chief

13 there had said, "You'll have to ask them where they come from." They answered,

14 saying that they lived in Fou, in the Changi area, and the leader there said, "If they

15 are young men from the Changi area, you must release them, but if they're from

16 Boy-Rabé you'll have to kill them because they're rebels." Those were the only people

17 that I met. They were young men.

18 We had gone -- we went along together and then we went our separate ways. We

19 scattered. Myself, I -- I went back home. So there you have it. That is what

20 happened along the road when I was trying to go back home.

21 Q. Thank you, Madam Witness, for the evidence that you just provided to us, and I

22 will come back to that later. It appears that there was some miscommunication,

23 which is not your fault at all, so I will ask my initial question in a different way.

24 What is the name of the neighbourhood in which you met the group of

25 Banyamulengue in front of a compound?

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1 A. The neighbourhood is the Bondoro neighbourhood. The street is sometimes
2 called Demazu (phon) road. So we were on the road that is generally referred to as
3 the Demazu road, because someone there is called Demazu and he has a house next
4 to that road. When you cross the road you get to the Miskine lycée and, if you go
5 further up, you go towards the airport. The neighbourhood is called Bondoro. I
6 don't personally know whether that is the official name.

7 Q. Thank you, Madam Witness. You stated earlier that it was calm when you left
8 your house. At the time when you met with this group of Banyamulengue, was the
9 neighbourhood Bondoro still calm?

10 A. Yes, everything was calm. There was nobody around. The only people I met
11 as I was going back were the young people; the young men I mentioned before.

12 Q. At that time, did you see any other armed group in the neighbourhood than the
13 Banyamulengue?

14 A. No, I didn't see any other armed groups in the neighbourhood.

15 Q. Madam Witness, can you please explain to the Court what you mean by
16 "compound"?

17 A. A compound is a property in which there is a house and there is a brick fence
18 around it.

19 Q. How many houses were inside that compound?

20 A. There was a main house. That's what you can see in the -- you can see in front,
21 but behind that I don't know what there was.

22 Q. Could you see the street from inside the compound?

23 A. No, I couldn't see the street because there was a gate.

24 Q. How many Banyamulengue took you inside the compound?

25 A. There were three of them.

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- 1 Q. How many of these three Banyamulengue slept with you?
- 2 A. Two of the three Banyamulengue slept with me.
- 3 Q. Did anyone witness that the two Banyamulengue slept with you?
- 4 A. There was nobody else there, apart from those three.
- 5 Q. What were you wearing that day?
- 6 A. I was wearing a two-piece traditional cloth dress, with a wrap.
- 7 Q. Madam Witness, with your permission I would like now to ask you some
- 8 questions about the two rapes. Would that be fine with you?
- 9 A. Yes, I can do that, but do we need to describe this?
- 10 Q. Yes, Madam Witness, I will have to ask you to describe it, but I will assist you
- 11 with that. Is this acceptable to you?
- 12 A. Yes, that's acceptable to me. I will be able to describe in words what they did.
- 13 Q. It is important for us to understand all the details of what happened to you,
- 14 Madam Witness, since none of us were present at that time. If we start with the first
- 15 man, can you describe what he did to you?
- 16 A. Well, I will not feel very well with that description.
- 17 Q. Madam Witness, would it help if I asked you short questions, assisting you in
- 18 describing the situation?
- 19 A. Yes, that would help me to describe the situation.
- 20 Q. Madam Witness, did the first Banyamulengue penetrate your body?
- 21 A. Yes.
- 22 Q. With which part of his body?
- 23 A. His face and his body.
- 24 Q. Which part of his body did touch your body?
- 25 A. The masculine part of his body.

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1 Q. What is the function of that part of his body?

2 A. The masculine part of the body is the part of a man's body that he uses on a
3 woman.

4 Q. Which part of your body did he touch?

5 A. The feminine part of my body.

6 Q. What is the function of that feminine part of your body?

7 A. The feminine part of a woman, well, God created that part so as to allow men to
8 use it.

9 Q. Thank you, Madam Witness. Did the first Banyamulengue who slept with you
10 ejaculate inside you?

11 A. Yes, he did ejaculate, and the second Banyamulengue did also. He ejaculated
12 in me, too.

13 Q. Thank you. Madam Witness, do you recall how long this first Banyamulengue
14 slept with you?

15 A. I cannot remember all those details. I was being threatened with a weapon. I
16 was crying. I was in a terrible state, so I cannot remember exactly how long these
17 things lasted.

18 THE INTERPRETER: The interpreter adds: I had fainted.

19 MS KNEUER:

20 Q. Madam Witness, as I said at the beginning, it is all right if you do not remember
21 certain things. Madam Witness, may I continue asking some other questions?

22 A. Yes.

23 Q. Madam Witness, I see it's very difficult for you, but I have to ask the same
24 questions with regard to the second Banyamulengue. May I proceed?

25 A. Yes.

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1 Q. Did the second Banyamulengue sexually assault you in the same way like the
2 first one did?

3 A. Yes. That one even stepped on my arms. And the two exchanged places on
4 me, and the second came along, took off his clothes and did the same.

5 Q. Madam Witness, can I just confirm that the second Banyamulengue, when he
6 raped you, used the same part of his body like the first one?

7 A. Yes, he too did the same thing.

8 Q. I have one last question with regard to the rape, Madam Witness: Can you
9 confirm that during the second rape the Banyamulengue penetrated the same part of
10 your body like the first Banyamulengue?

11 A. Yes, he too penetrated the same part of my body.

12 Q. Thank you, Madam Witness. At the time you were raped, how were you
13 dressed?

14 A. I was wearing a skirt and --

15 THE INTERPRETER: Sorry, the interpreter's correction: An underskirt and a
16 two-piece garment with a wrap, but when all this happened, I don't know what
17 happened to the other wrap. And at the end, I finally took the second piece to wrap
18 it round me. I don't know what happened to the other part and to the belongings I
19 was carrying.

20 MS KNEUER:

21 Q. Madam Witness, you stated earlier that the Banyamulengue forced you to take
22 off your clothes, and I'm referring to page 22, lines 22 until 23. Can you please
23 describe how --

24 A. I wasn't the one to take my clothes off; it was them who pushed me and took
25 my clothes off. I didn't do that. They took off my underpants, too. I didn't take

1 anything off; they were the ones who took it all off.

2 Q. How many of the Banyamulengue disrobed you?

3 A. The first one did it. There were two people, and they argued and they were

4 clawing at my clothes at the same time,* and the first one was the one who was

5 actually able to tear off my wrap that was around my waist. And that

6 first one, the same person, also took off my underpants when I fell on the ground. I

7 don't really know, I cannot know where my underpants were.

8 Q. How was the first Banyamulengue dressed? Was he fully clothed?

9 A. They just took off their trousers, but they had kept the upper part of their

10 clothing on.

11 Q. Madam Witness, you just stated that the first Banyamulengue pushed you

12 when he was taking off your clothes. How did he push you?

13 A. But how can you take somebody by force and throw them on to the ground?

14 He took me. He held me on the ground. The other one had seized my two arms,

15 and he put his arms on to me, under his legs, in order to keep me on the ground.

16 THE INTERPRETER: He was stepping on both my arms to keep me on the ground,

17 corrects the interpreter.

18 MS KNEUER:

19 Q. Which part of your body touched the ground?

20 A. My back to my neck was on the ground.

21 Q. What did the third Banyamulengue do while you were being raped?

22 A. That one, he put his feet on my two hands; my two arms.

23 Q. Madam Witness, where was the weapon of the first Banyamulengue when he

24 raped you?

25 A. They put their weapons on the ground, as well as the clothing which they took

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1 off. They also put that on the ground.

2 Q. During the two rapes, could you move freely?

3 A. I had difficulty. I was injured. I was hurting. I had injuries in the area of
4 my vagina. After that, I had pain in my stomach.

5 THE INTERPRETER: The interpreter cannot hear the witness well, states the Sango
6 interpreter.

7 PRESIDING JUDGE STEINER: I ask, please, the supporting person to ask the
8 witness to speak a little bit closer to the microphone. Thank you, Madam Witness.

9 MS KNEUER:

10 Q. Madam Witness, I'm not sure if the interpreter was able to hear your entire
11 response. May I therefore ask you to repeat your answer, please?

12 PRESIDING JUDGE STEINER: Madam Kneuer, maybe if you repeat the question.

13 MS KNEUER: Thank you, Madam President.

14 Q. Madam Witness, during the two rapes, were you able to move freely?

15 A. I tried to get up and after that I was in pain, but I was able to get back to the
16 house.

17 Q. Madam Witness, how did you feel while being raped?

18 A. When you undergo such an experience, what can I say? When the person who
19 had his feet on my hand, he was threatening me with a gun. Everything they were
20 doing really hurt me. I was crying.

21 Q. You mentioned earlier that you fainted during the first rape, and I'm referring
22 to page 30, line 6. Do you recall at what point in time of the rape you fainted?

23 A. The threat with the weapon was such that I was very perturbed. They had this
24 courage, determination, to rape me. When I recovered, they did what they wanted
25 to do. When I think about that, it hurts me a lot and it makes me cry.

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1 Q. During the first act of rape, did the Banyamulengue say anything to you?

2 A. No, they didn't speak to me. They were speaking between them. What they
3 said between them I didn't understand, so I couldn't know if they were talking to me
4 directly.

5 Q. In which language did the three Banyamulengue inside the compound speak
6 among each other?

7 A. They spoke in Lingala between them.

8 Q. During the two rapes did the Banyamulengue communicate in any other way to
9 you; for example gestures?

10 A. No, never.

11 Q. Thank you, Madam Witness. After the second Banyamulengue finished
12 raping you, what did they do?

13 A. They made hand gestures. I was able to put my hand on the wrap and I left
14 the compound. I tried to take the road south. I saw that it was difficult, so I went
15 next to it.

16 Q. Madam Witness, you stated earlier that the Banyamulengue took a bag away
17 from you that was in your possession. Can you tell us what was in that bag?

18 A. My clothing of value, as well as a radio, a new radio. My clothing. There
19 were two new sheets. There were also -- there was also cloth that I had to sew, and
20 there was also food.

21 Q. Did the Banyamulengue give you the bag back at any point in time?

22 A. No, they did not give me back the bag.

23 Q. Do you know what the Banyamulengue did with the bag?

24 A. No, I do not know.

25 Q. Did you agree that the Banyamulengue took these items that you described to

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1 us?

2 A. I don't understand the question.

3 Q. Did you want the Banyamulengue to take your items in the bag?

4 JUDGE ALUOCH: Ms. Kneuer, you probably mean, "Did you allow them?"

5 MS KNEUER: Thank you, Judge Aluoch.

6 Q. Did you allow the Banyamulengue --

7 A. * How could I be in agreement? They started by grabbing me and raping me.

8 That was how they took the objects from people. Even my sister-in-law, who was

9 with me, she also lost items.. She wasn't able to get them

10 back.

11 MS KNEUER: Madam President, this would be a natural stop in my line of

12 questioning. Even if we have a few minutes left, I suggest that we go into the break

13 now.

14 PRESIDING JUDGE STEINER: Madam Witness, we are going now into another

15 break, this one a little bit longer, so as to have lunch and to rest a little bit. We are

16 going to be back at 2.30. So we hope you can take some time to rest and to feel

17 comfortable for the continuation of this session in the afternoon. So I please ask,

18 court officer, to turn into closed session in order for the witness to be brought -- to be

19 taken outside the courtroom. We are going to suspend this hearing and we will

20 resume at 2.30 in the afternoon.

21 *(Closed session at 12.52 p.m.) Reclassified as Open session

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

23 (The witness stands down)

24 THE COURT OFFICER: All rise.

25 (Luncheon recess taken at 12.53 p.m.)

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- 1 *(Upon resuming in closed session at 2.39 p.m.) Reclassified as Open session
- 2 THE COURT USHER: All rise. Please be seated.
- 3 PRESIDING JUDGE STEINER: Good afternoon. Could, please, the court officer
- 4 bring the witness in.
- 5 (The witness enters the courtroom)
- 6 PRESIDING JUDGE STEINER: Court officer, let's go into open session, please.
- 7 (Open session at 2.41 p.m.)
- 8 THE COURT OFFICER: We are in open session, Madam President.
- 9 PRESIDING JUDGE STEINER: Thank you very much. I see here that there
- 10 is -- apparently there is a discrepancy in the sitting hours, as pointed out by the
- 11 Prosecution on Thursday, and I think that has been clarified that we are going to sit
- 12 regular hours. Thanks.
- 13 Good afternoon, Madam Witness. Madam Witness, are you ready to continue
- 14 giving your testimony before this Chamber?
- 15 THE WITNESS: (Interpretation) Yes.
- 16 PRESIDING JUDGE STEINER: So the Prosecution will continue with the
- 17 questioning. I would like to remind you that any time you want or you need a break,
- 18 just let me know. Do you understand that, Madam?
- 19 THE WITNESS: (Interpretation) Yes, I've understood.
- 20 PRESIDING JUDGE STEINER: Ms Kneuer.
- 21 MS KNEUER: Thank you, Madam President.
- 22 Q. Welcome back in the court, Madam Witness. Did you have a chance to rest
- 23 and eat something?
- 24 A. Yes.
- 25 Q. Very well. Madam Witness, I would like to turn to a new topic now and it is

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1 about what happened to your sister-in-law. We are still in public session and I
2 kindly ask you to not refer to the name of your sister-in-law and just refer to her as
3 you did the past by the relationship. At a later stage, I will ask the court to go into a
4 private session so that you can provide her name. Do you understand?

5 A. Yes, I've understood.

6 Q. Are you ready to tell us the story of your sister-in-law?

7 A. All I can say is that they dragged her inside. I heard her call out, and after,
8 when she came back to the house, she said that three of them had raped her. That's
9 all I can tell you about that. As for the details, I have no idea.

10 Q. You just said that "they dragged her inside." Who do you refer to by "they"?

11 A. Yes. No, the same Banyamulengue, the same members of the group, some of
12 which abused me. They were in the compound just beside us. They took her into
13 the compound beside the compound where I was taken, where they took me.

14 Q. Madam Witness, I have one clarification question. You said that the
15 Banyamulengue took her into the compound. Was it the same compound where
16 they took you, or a different one?

17 A. Another compound, beside the compound where they dragged me to. The
18 compounds were side-by-side but there were different entrances. There were
19 different gates.

20 Q. What was the distance between the two compounds?

21 A. I couldn't tell you the distance separating the two compounds.

22 Q. Could you try to estimate the distance, please?

23 A. The compounds are usually built around houses, fences around the houses. So,
24 if a compound belongs to someone, there will be another compound beside it,
25 belonging to another person. But I really couldn't tell you the distance between

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1 compounds.

2 Q. You mentioned that you heard your sister-in-law call out. What did she say,
3 or what did you hear?

4 A. She was yelling the way someone yells or calls out when they are afraid. She
5 called out like someone who is truly afraid.

6 Q. Were you able to hear her voice clearly?

7 A. Yes.

8 Q. Could you see your sister-in-law from where you were at that time?

9 A. No. The compound was surrounded by a fence. I could not see her and she
10 could not see me. The compounds were fenced and the entrances had gates.

11 Q. When did your sister-in-law tell you about the rapes?

12 A. When she came back to the house. I arrived at the house before her and she
13 came back between 4 and 5 in the afternoon. She came back and she was crying and
14 she explained to me what had happened to her.

15 Q. Before the lunch break, Madam Witness, you mentioned that the
16 Banyamulengue took also items from your sister-in-law, and I'm referring to page 35,
17 lines 20 onwards. Do you know which items the Banyamulengue took from your
18 sister-in-law?

19 A. Some personal effects. I didn't see what was in her bag. I got my package
20 ready and she got her bundle, or package, ready, and she must have taken valuables.
21 She also had some extra foodstuffs with her.

22 Q. Did your sister allow the Banyamulengue to take her bundle?

23 A. How could she have agreed to that when she was being attacked just like that?
24 They took what they wanted. They took those things and they went off to unknown
25 destinations. I really couldn't know and, since those things didn't belong to me,

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1 I don't know where they went. I don't know where they might have taken these
2 various items.

3 MS KNEUER: Madam President, just to have the record correct, I misspoke in my
4 question. It should not read "sister," but "sister-in-law," but it was my mistake. I
5 just want to have the record correct.

6 Q. Thank you, Madam Witness. Also before the break you stated that the
7 Banyamulengue took your items and sold these things in the compound. It's page
8 35, line 18 onwards. How do you know that the Banyamulengue sold these pillaged
9 items?

10 A. I didn't talk about our items being sold. They grabbed our things. They took
11 them away. I don't know what they did with them. I did not speak of any of our
12 goods being sold.

13 Q. Thank you, Madam Witness --

14 THE INTERPRETER: Message from the interpreters. There may have been a
15 mistaken interpretation on that point earlier in the day.

16 MS KNEUER:

17 Q. Thank you, Madam Witness, for this clarification. Where is your sister-in-law
18 today, Madam Witness?

19 A. She has passed away. She had many health problems, problems with her
20 abdomen, and she died in the year 2005.

21 Q. Thank you, Madam Witness. I do not have any further question regarding
22 your sister-in-law, but I have some other questions for you. Apart from what
23 happened to you and your sister-in-law, do you know of any other cases of rape?

24 A. No.

25 Q. Have you heard about any other cases of rape?

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1 A. Yes, I have heard of these. I heard that there were cases at PK22 and also other
2 cases of rape at PK12.

3 Q. How did you learn about these other cases of rape at PK12 and PK22?

4 A. This is what the victims say and this is what people say, too.

5 Q. Did you speak to any of these victims or people yourself?

6 A. No.

7 Q. Where did you hear about these other cases of rape?

8 A. This is what was being said in the neighbourhoods. A lot of people had fled
9 towards PK12 and PK22 and, more or less, all over the place they talked about it. It
10 was something that was known by many, many people.

11 Q. Was it said who committed these other cases of rape at PK12 and PK22?

12 A. It was said that the Banyamulengue did it.

13 Q. Madam Witness, do you know of anyone who was murdered during the
14 conflict?

15 A. No. People -- only people talked about things like this.

16 Q. Apart from your sister-in-law, did anybody else in your family suffer from any
17 crimes committed by the Banyamulengue?

18 A. Yes, one of my aunts in Damara, well, she saw her husband had been slain.

19 Q. Did your aunt tell you more details about what happened to her husband?

20 A. She said that when the events occurred they didn't take shelter far off in the
21 bush, they were just in the fields, and during the day that's where they were, but
22 when night came they went back home and would spend nights at home. So
23 towards 4 p.m. the husband said to her that she should stay behind and that he
24 would go and see what was going on, and it was at that time that he was killed, that
25 they killed him, and so she waited for him in vain, so when she went out to see what

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1 had happened she found her husband's dead body.

2 Q. Do you know in which month that happened?

3 A. As regards what happened in Damara, well, I don't know.

4 Q. Do you recall the year?

5 A. It was in 2002.

6 Q. Did this happen after your rape?

7 A. It was after what happened to me that we learned about what happened in
8 Damara, which means that I underwent those events before that -- that abuse before
9 that.

10 Q. Did your aunt tell you how she knew that the Banyamulengue killed her
11 husband?

12 A. At that time, they were the only ones who were still in the village. The rebels
13 had withdrawn and they were the only ones to have taken over the village and the
14 locality, and the inhabitants of the houses had taken shelter in the bush.
15 Unfortunately, they decided to stay far from the house and, when they decided to
16 come back to the house, that's when this terrible thing happened.

17 Q. Did your aunt tell you how her husband was killed; under which
18 circumstances?

19 A. He wasn't killed in the presence of his wife. He had asked her to stay behind
20 and she waited for him in vain. When she wanted to find out what had happened,
21 she went out and found her husband's dead body and nobody was there. When she
22 was -- well, when she wanted to tell the story, nobody was brave enough to come
23 forward. The body began to rot, so people came and then they dug a hole to bury
24 the body afterwards.

25 Q. I understand that your aunt found the body of her husband. Did your aunt

1 tell you if she saw any injuries on the body of her husband?

2 A. Only she can tell you that. In any case, she didn't provide me with those
3 details. I have told you what I know about that event.

4 Q. Did you hear of any other activities regarding the Banyamulengue?

5 A. They perpetrated a lot of abuse and violence. People spoke about this:
6 "Everywhere they did this. They did that." That was the rumours. In any case,
7 was that really true? Well, I can't say, but in any case that was what was being said.

8 Q. When you went back home, did you see Banyamulengue on the roads?

9 A. Yes, when I was going back, when I wanted to cross the main road to go back
10 home, as I was arriving I saw a group that was walking towards PK12. When I saw
11 them, I was frightened and I hid. After that I crossed over to go to the house. So I
12 saw them with foam mattresses, on top of which there were suitcases. They formed
13 a group and they were walking on the tarmac road that goes to PK12.

14 Q. Did the Banyamulengue carry any other items than mattresses and suitcases?

15 A. They were armed. They were armed, and they carried these mattresses and
16 these suitcases on their heads.

17 Q. Do you know to whom these mattresses and suitcases belonged?

18 A. I don't know, but these were belongings that they had taken in the 4th
19 Arrondissement at the intersection when you go towards the Makpayen complex.
20 Were those objects that they took from there? I cannot say.

21 Q. Was your house looted?

22 A. They would go inside, take the suitcases, the mattresses. And these suitcases
23 would have clothes in them. In other words, they took away valuables, including
24 shoes. People would complain about this.

25 Q. To whom did these people complain?

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1 A. Well, people complained about the Banyamulengue.

2 Q. Did they complain to someone specifically?

3 A. That is what happened. There were complaints. People spoke about this
4 everywhere in the neighbourhoods, and here and there they had gone into places and
5 abused people.

6 THE INTERPRETER: Interpreter's correction: Misbehaved.

7 MS KNEUER:

8 Q. Madam Witness, the people that complained, were they civilians?

9 A. The inhabitants who were in the neighbourhoods, they went into the houses,
10 one after the other, and both men and women complained about this.

11 Q. Madam Witness, in which neighbourhoods did the Banyamulengue enter the
12 houses and took items and abused people?

13 A. Behind the police station of the fourth arrondissement, up 'till the Cité
14 Makpayen, to Boy-Rabé, up to Dedengue II. From Dedengue I they wanted to go
15 into Boy-Rabé, and that is where the chef de quartier, a female, wrapped herself in the
16 national flag and stopped them from going any further. That's where they stopped.

17 Q. Were any of the items that the Banyamulengue took from the civilian people
18 returned?

19 A. How could one find those belongings to be able to give them back to their
20 rightful owners? They took them away and went away for good.

21 Q. Madam Witness, you mentioned earlier that you heard about the events on the
22 radio. Did you hear also about any crimes on the radio?

23 A. No.

24 Q. Madam Witness, I would like to direct your attention to a new topic. I will ask
25 you a few questions about potential consequences of what happened to you. Do you

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1 agree with that?

2 A. Yes, I am willing.

3 Q. Madam Witness, how did you feel after you were raped?

4 A. I met up with problems with my stomach. I had a lot of pain. I went to
5 hospital. I was examined. There were ultrasound examinations. My spleen
6 swelled up and I felt a lot of pain in my stomach after these events.

7 THE INTERPRETER: Interpreter's correction: Not stomach, belly.

8 MS KNEUER:

9 Q. To which hospital did you go?

10 A. It was Médecins Sans Frontières who took care of me. They sent me to the
11 (Redacted) and to the community hospital. They did the ultrasound at the
12 (Redacted) Hospital. I was seen at the community hospital.

13 Q. What was the result of the examination at that hospital?

14 A. Well, as for the blood tests, they discovered the nasty illness. As for the
15 vaginal swab, they discovered germs.

16 Q. Did you receive any kind of treatment?

17 A. Yes, they bought some medications for me. The people from Médecins Sans
18 Frontières gave me medication.

19 Q. For which illness was this medication supposed to help you?

20 A. The pain in my belly.

21 Q. Do you recall when you saw the doctors from Médecins Sans Frontières?

22 A. I can't remember the date right now, but I have all the documents.

23 Q. You mentioned earlier a nasty illness. Does this illness have a name?

24 A. In Sango it's called "sungu ozo."

25 THE INTERPRETER: The interpreter from the Sango booth says that it is AIDS.

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1 MS KNEUER:

2 Q. Are you receiving any treatment for that illness that you just described to us?

3 A. No. After the events, I had no treatment. It was only later - later - I began
4 taking -- undergoing treatment.

5 Q. Are you taking any medication with regards to HIV today?

6 A. I am taking medications.

7 MS KNEUER: Madam President, your Honours, I would like to display a document
8 on the screen which is confidential and should not be displayed to the public, and I
9 am referring to EVD-T-OTP-00129.

10 THE COURT OFFICER: The document is available on your screens by pushing the
11 button "PC1".

12 THE WITNESS: (Interpretation) Yes, that is what they told me. When you speak
13 to me about looking at what is on the screen --

14 THE INTERPRETER: The Sango interpreter would like to point out that the witness
15 did not finish her sentence.

16 MS KNEUER:

17 Q. Madam Witness, let me assist you with this document. You mentioned earlier
18 that you have medical documents. I do not want you to read this document out
19 loud. My question is if you recognise that this is a document that you handed over
20 to investigators of the Office of the Prosecutor?

21 A. Yes, this document indicates that I underwent treatment from Médecins Sans
22 Frontières.

23 Q. Your Honours, pursuant to decision 1022, this document has already been
24 admitted into evidence prima facie, so I will move on.

25 Thank you, Madam Witness. I do not have any further questions with regard to this

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1 document, but I will have a few other questions. Madam Witness, did you receive
2 any -- did you receive medical assistance from anybody else than MFS (sic)?

3 A. * The people from Caritas launched a number of appeals.

4 They distributed oil lamps, rice and soap.

5 Q. Did you receive any other support from Caritas?

6 A. No.

7 Q. What is Caritas, Madam Witness?

8 A. Caritas is an NGO of the Catholic church. It helps people who are suffering
9 and people who are without resources.

10 Q. Madam Witness, in your statement - and I'm referring to CAR-OTP-0020-0462 at
11 0431 - you mentioned CAF programme. How did the CAF programme assist you?

12 A. During the first examination, a campaign was launched on the radio and the
13 women from social affairs tried to meet with the women who were victims, and at
14 that time I had the first examination. After that, I met the people from the
15 organisation, from -- that is to say from Médecins Sans Frontières.

16 Q. Madam Witness, you described to us the physical harm that you suffered from
17 after the rape. Can you describe your emotions, your state of mind, after the rapes?

18 A. My spirits and my mental state are poor. I'm -- I have a tendency to
19 depression, and when I see a soldier, or a man with a weapon, I'm afraid. Even on
20 public transit I am very, very afraid even today.

21 Q. How do you sleep at night?

22 A. At first I had nightmares. I would re-experience the events and I slept poorly.
23 After that, things did get better.

24 Q. What type of reaction, if any, have you received from your community after the
25 events?

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1 A. There were no problems with the community.

2 Q. Did you receive any kind of support from your community?

3 A. In terms of my family, I have their support. When I'm not in a position to pay
4 for the medications myself, they come to my assistance.

5 Q. Do you know if you were infected with HIV before you were raped?

6 A. No, I didn't know before. In any event, I never knew.

7 MS KNEUER: Thank you, Madam Witness.

8 Madam President, I have finished with one topic and I would have to start a new one
9 which I couldn't finish today. With your leave, I would like to continue tomorrow,
10 please.

11 PRESIDING JUDGE STEINER: Madam Witness, we are going to stop now and then
12 you can take some rest. We thank you very much for your cooperation today. We
13 will continue tomorrow morning and, in any case, we wish you a restful night and
14 that tomorrow you feel able to continue giving your testimony. Tomorrow you will
15 continue to be questioned by the Prosecution, then the legal representative of victims
16 will put to you some questions and, depending on the time we finish, the Defence
17 will start questioning you as well. So we wish you a restful night and tomorrow we
18 will continue working. Thank you very much, Madam Witness.

19 Please, court officer, could you turn into closed session in order for the witness to be
20 brought outside the courtroom.

21 *(Closed session at 3.53 p.m.) Reclassified as Open session

22 THE COURT OFFICER: We are in closed session, Madam President, and just for
23 record of the case, the document that was referred to in the English real-time
24 transcript, page 49, line 12, the reference is CAR-OTP-0020-0426, the page shown is
25 0431, and this document already has an EVD number which is EVD-T-OTP-00013 and

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1 is marked as confidential.

2 (The witness stands down)

3 PRESIDING JUDGE STEINER: Thank you very much. Could we turn very briefly
4 into open session, please.

5 (Open session at 3.54 p.m.)

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

7 PRESIDING JUDGE STEINER: Thank you. Ms Kneuer, is it possible for the
8 Prosecution to have an estimation on how long it would take tomorrow to finish the
9 questioning of the witness?

10 MS KNEUER: Yes, Madam President, I expect that I only need the first session
11 tomorrow morning.

12 PRESIDING JUDGE STEINER: Meaning one-and-a-half hours? Thank you very
13 much. Maître Douzima, for you the same question. Do you have an estimation on
14 how long it will take for you to question the witness?

15 MS DOUZIMA-LAWSON: (Interpretation) I think 30 minutes would be sufficient.

16 PRESIDING JUDGE STEINER: Thank you very much. That means that we can
17 start with the Defence questioning tomorrow, if not in the morning session, at least in
18 the afternoon session. If that's agreeable for the Defence, then we can start already
19 with the Defence questioning. Is that possible?

20 MR HAYNES: Yes, certainly, your Honour, and we have already notified the
21 Prosecution, for scheduling purposes, that we believe that this witness will finish
22 sufficiently early in the week, even with Wednesday off, for another witness to be
23 started this week.

24 PRESIDING JUDGE STEINER: Thank you very much. So we are going then to
25 adjourn the session for today. We are going to resume tomorrow morning at 9.30,

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1 when the Prosecution will continue and probably finish its questioning. Then we
2 will have the opportunity to give the floor to the legal representatives of victims, and
3 soon after or after the lunch break, we will continue with the Defence questioning.
4 I would like to thank very much the Prosecution team, legal representatives of
5 victims, representatives of OPCV, the Defence team, Mr Jean-Pierre Bemba Gombo,
6 our interpreters, our court reporters. Thank you very much for providing us with
7 such assistance. And this hearing is then adjourned and we resume tomorrow
8 morning at 9.30 sharp.

9 THE COURT USHER: All rise.

10 (The hearing ends at 3.58 p.m.)

11 CORRECTIONS REPORT

12 The followings corrections have been made in the transcript:

13 * Page 11 lines 25

14 "they began to undress me, assault me." is corrected by

15 "they began to undress me, sexually assault me"

16 *page 26 line 4 to 5

17 "and the first one was the one who was actually able to forcefully *take off* the wrap" is
18 corrected by "and the first one was the one who was actually able to tear off my
19 wrap"

20 *page 29 line 7 to 9

21 "How could I be in agreement? They started to take and sell these things in the
22 compound. That was how they took the objects from people. They took me and raped
23 me. Even my sister-in-law, she also lost items" is corrected by "How could I be in
24 agreement? They started by grabbing me and raping me. That was how they took the
25 objects from people. Even my sister-in-law, who was with me, she also lost items."

26

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- 1 *page 40 line 3
- 2 “The people from Caritas *sent out information. That is to say* they launched *an* appeal”
- 3 is corrected by “The people from Caritas launched a number of appeals.”
- 4 RECLASSIFICATION REPORT
- 5 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 6 ICC-01/05-01/08-3038 and the instructions in the email dated 4 November 2013, the
- 7 version of the transcript with its redactions becomes Public
- 8