

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 Judge Kuniko Ozaki
6 Trial Hearing
7 Wednesday, 26 January 2011
8 (The hearing starts in open session at 9.41 a.m.)
9 THE COURT USHER: All rise. The International Criminal Court is now in session.
10 Please be seated.
11 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
12 in open session.
13 PRESIDING JUDGE STEINER: Good morning. First of all, I ask the court officer to
14 call the case.
15 THE COURT OFFICER: Yes, Madam President. The situation in the Central
16 African Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, case
17 reference ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: So I would like to welcome the Prosecution's team,
19 the legal representatives of victims, our psychologist from VWU that's here to assist
20 the witness and to make sure that the well-being of the witness is being respected,
21 welcome to the Defence team, to Mr Jean-Pierre Bemba Gombo, our interpreters and
22 our court reporters.
23 Before we go into closed session in order to allow the witness to be brought into the
24 court, I would like to put a very, very short question to Maître Liriss, if possible. It's
25 just a clarification, because it seems that there is -- there may have been a

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1 misunderstanding in yesterday's -- the final part of the hearing. In the edited
2 transcript, page 50, lines 2 to 10, it was not clear whether the Defence was planning to
3 provide the witness with a sketch of his compound, or the Defence was about to ask
4 the Defence (sic) to draw a sketch. Is that possible for the Defence to clarify that for
5 the Chamber? Sorry, it's to ask the witness to draw a sketch, or whether the Defence
6 was going to provide the witness a sketch?

7 MR LIRISS: (Interpretation) No, we were going to ask the witness to do this, but
8 we have realised that this sketch is already in existence, but another witness has it and
9 we will use it.

10 PRESIDING JUDGE STEINER: Court officer, we could please go into closed session
11 in order for the witness to be brought into the courtroom.

12 *(Closed session at 9.46 a.m.) Reclassified as Open session

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

14 (The witness enters the courtroom)

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

16 (Open session at 9.48 a.m.)

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

18 PRESIDING JUDGE STEINER: Thank you. Good morning, Mr Witness.

19 WITNESS: CAR-OTP-PPPP-0023 (On former oath)

20 (The witness speaks Sango)

21 THE WITNESS: (Interpretation) Good morning to all of you.

22 PRESIDING JUDGE STEINER: Did you manage to rest last evening and to have a
23 good night?

24 THE WITNESS: (Interpretation) Yes, I have had a good rest.

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

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1 before this Court?

2 THE WITNESS: (Interpretation) I'm ready.

3 PRESIDING JUDGE STEINER: Thank you very much. I would like to remind you
4 that you are still under oath. Do you understand that, Mr Witness?

5 THE WITNESS: (Interpretation) Yes, I know; I've taken the oath.

6 PRESIDING JUDGE STEINER: I also would like to remind you that you are under
7 protective measures, that your image and your voice are being distorted so that the
8 public cannot identify you by your face or by your voice. I wanted also to remind
9 you that other witnesses, including members of your family, are under protective
10 measures, so we ask you to pay attention in order not to reveal their names, family
11 members, neighbours, friends of yours, in order to protect you, your family, and these
12 other persons. Do you understand that, Mr Witness?

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

14 PRESIDING JUDGE STEINER: I also would like to remind you that any time if you
15 feel tired or distressed, or for any reason you want to have a break, just inform the
16 Bench and you will have as many breaks as you need. Is that fine with you?

17 THE WITNESS: (Interpretation) Yes, that's fine.

18 PRESIDING JUDGE STEINER: Mr Witness, before we continue with your
19 questioning by the Defence, the Judges would like to ask you whether you want to
20 raise any concerns or preoccupations, any issues that you want to raise now before
21 you start being questioned by the Defence.

22 THE WITNESS: (Interpretation) Yes, I have a matter of concern. I have a piece of
23 information I would like to provide you with. Yesterday I said I was tired. I had
24 goose pimples, when counsel for the Defence put questions to me. The
25 investigations finished a long time ago. Yesterday we were only supposed to talk

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1 about what had happened. Yesterday I was asked to provide a sketch, to sketch my
2 house and to show where my house was located. I had goose pimples. I told
3 myself they only want to know where my house was located exactly so that at the end
4 of the trial, one could go and harm me, after having defined the location of the house,
5 and that is why I had goose pimples yesterday.

6 PRESIDING JUDGE STEINER: Thank you, Mr Witness, to inform the Chamber
7 about your concerns. The Chamber would like to remind you that we can have at
8 any time your questioning in private session, which means that the public will not
9 hear anything you say.

10 Secondly, if the Defence needs to show you a map or a sketch, we are not going to
11 allow this drawing to be seen outside the courtroom. Only the persons that are here
12 in the courtroom will be able to see it. Do you understand these protective measures,
13 and are you fine with them?

14 THE WITNESS: (Interpretation) Yes, that's fine with me.

15 PRESIDING JUDGE STEINER: Finally, Mr Witness, if by any chance you say
16 something that should be not communicated to the outside world, the Chamber is
17 providing redactions in the transcripts. So we want to make sure that even if by
18 chance you say something that you shouldn't, the Chamber is redacting this
19 information, so this information is not going to the public knowledge. Do you
20 understand that?

21 THE WITNESS: (Interpretation) I understand.

22 PRESIDING JUDGE STEINER: So do you feel ready then, to start giving your
23 testimony?

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

25 PRESIDING JUDGE STEINER: Thank you very much. Maître Liriss, you have the

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1 floor, with the strong recommendation of the Bench of not putting to the witness
2 unnecessary repetitive questions or intrusive questions. Don't put the witness in
3 distress because this situation is not useful for the Defence, neither for the Chamber.
4 Thank you very much.
5 MR LIRISS: (Interpretation) Thank you, your Honour. I'll bear in mind your
6 suggestions, and if at any point in time you believe I have failed to abide by them,
7 please stop me.
8 QUESTIONED BY MR LIRISS: (Interpretation) (Continuing)
9 Q Good day, Witness. I'd, first of all, like to reassure you I no longer need this
10 sketch. I would also like to reassure you -- please look at me. Do I really look like
11 someone who would be capable of causing harm to the witness, just because I want to
12 defend my client? And, thirdly, because of the confidential nature of my work, I'm
13 under an obligation, I'm under an obligation towards you and this obligation is
14 stronger than the one I have towards my client.
15 And, finally, I live in the midst of Kinshasa life. I know certain witnesses. I bump
16 into them. They don't know what I know but, rest reassured, would I mention your
17 name? No. You're in good hands here, before the Court, before the Chamber, the
18 Prosecution, all the parties. And once more, good day.
19 Madam, I would like to go into closed session because the questions I'm going to put
20 require the disclosure of certain names, with your leave?
21 PRESIDING JUDGE STEINER: We shall go to private session.
22 *(Private session at 10.00 a.m.) Reclassified as Open session
23 THE COURT OFFICER: We are in private session, Madam President.
24 PRESIDING JUDGE STEINER: Just one second, Maître Liriss. Mr Witness, we are
25 in private session, which means that the public cannot hear you, listen to you.

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1 Maître Liriss.

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

3 Q. Mr Witness, in your opinion, who is (Redacted)?

4 A. Yes, I know (Redacted).

5 Q. Mr Witness, could you tell us where he died?

6 A. He was ill. He started to suffer from the repercussions of the beating at (Redacted)

7 (Redacted). He went to live with (Redacted) in Miskine, and that is where he died.

8 Q. Thank you. Now, I don't know whether the court officer can do so, but do you
9 remember this form, this form that you filled out in order to apply to be a victim, to
10 participate in the proceedings as a victim? I would imagine that this form was
11 shown to you recently or provided to you recently by the Prosecution themselves.

12 Do you remember this form; could you tell us?

13 A. Yes, I remember that form.

14 Q. Do you remember that you said that this form, the content of this form related
15 to you?

16 A. Yes, I remember that.

17 Q. May I read out -- this is the participation form, page 9, as well as -- well, page 9,
18 section D, as well as the annex that goes along with this form. So this is what you
19 said about (Redacted).

20 PRESIDING JUDGE STEINER: Maître Liriss --

21 MR LIRISS: (No interpretation).

22 PRESIDING JUDGE STEINER: -- do you want this document to be displayed?

23 MR LIRISS: (Interpretation) It would be a wiser course of action, rather than
24 reading out sentences without context.

25 THE COURT OFFICER: The application for victim participation is displayed on

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1 your screens, page 9. However, this document has not been uploaded into the
2 eCourt portal.

3 MR LIRISS: (Interpretation) This is page 9, and there is an annex to page 9.

4 THE COURT OFFICER: Page 9 is on the screens and the annex can be shown
5 afterwards, whenever you will require it.

6 MR LIRISS: (Interpretation) Thank you.

7 Q. I'm going to read out to you what you wrote about (Redacted). "The
8 second case was the case of the murder of (Redacted)

9 (Redacted)." A few moments ago, you said that he was (Redacted).

10 Furthermore, in your statement before the Prosecution you also stated that he was
11 (Redacted).

12 Could you tell us exactly what is the relationship between you and him? Was he
13 (Redacted)? Was he (Redacted) Could you in particular explain
14 who he married, (Redacted)

15 A. Thank you, sir. He is (Redacted). That means he is the (Redacted)
16 (Redacted)

17 THE INTERPRETER: The Sango interpreter points out that (Redacted)
18 (Redacted).

19 MR LIRISS: (Interpretation) Thank you.

20 Q. You stated that he died. You mentioned this a few moments ago, page 9.
21 And you stated that he went to (Redacted) in Miskine, and that is where he
22 died; is that correct?

23 A. Yes. After attempts were made to treat him, he was massaged with warm
24 water, in vain, and (Redacted) came to take him back home for treatment. He also
25 took him to the hospital, where he died.

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1 Q. Did he die at the hospital or at home?

2 A. He died at the community hospital.

3 Q. Now, in your statement, in your application, your victim application form, in
4 the annex, why did you say that he died owing to a lack of care because the
5 dispensary was closed?

6 A. I said that because I was referring to the Begoua hospital. At that time, the
7 Begoua hospital could not provide care. In the final analysis, he couldn't be kept at
8 home because that would not have been a good situation, so (Redacted), who
9 took him, and finally he died there.

10 Q. Please don't take this as harassment. Now, in the statement to the Prosecutor
11 you said that he died (Redacted). A few moments ago, you said he
12 died at (Redacted). In your victim application, you said he died owing to a
13 lack of care. The Defence is wondering, why are there so many contradictions when
14 it comes to a single event.

15 A. Well, if there are contradictions -- I don't know why there would be
16 contradictions. In Begoua, there was no hospital; it wasn't operating. We tried to
17 find traditional medications and there weren't -- there wasn't any improvement.
18 And I said to the (Redacted) that if things went on like that, the man would die. So the
19 (Redacted) took him to Miskine and from there he was taken to the hospital and finally he
20 passed away.

21 Q. Well, I suppose we can be satisfied with that explanation. My other question is:
22 What ages were your four daughters when they were raped? I am speaking of
23 (Redacted).

24 A. Their respective ages, starting with the youngest, she was between (Redacted)
25 (Redacted)

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1 (Redacted).

2 Q. Look at page 9, which is displayed on the screen. You say that the four -- that
3 your four daughters were at the time of the events in 2002 respectively (Redacted)
4 (Redacted). Could you explain this contradiction to us, please?

5 A. Yes, if there are contradictions it's just because those children are not from the
6 same mother, so those women had children. Each one of them had women -- had
7 children. You see, I had three wives, which explains the differences regarding their
8 ages.

9 Q. That's not what I'm concerned about. I don't think you are understanding.
10 It's normal that these children would be of different ages. Even though they
11 were -- even if they were born of the same mother they would have different ages,
12 unless we were talking about twins. But what I'm asking is the ages that you gave to
13 the Prosecutor on 13 March 2008 are totally different from the ages that you said they
14 were in October 2008 when you filled out this form. So my question is in October
15 2008, on the form their ages were indicated and showed that none of them were
16 underage. The various ages are here: (Redacted). I'm wondering why the ages
17 are different from the ages that you are now giving us and the ages that you gave to
18 the Prosecutor; these different ages over the course of a few -- of three or four
19 months?

20 A. Counsel, I think that the situation is such because there was an error in
21 communication. The person who recorded my case must have misunderstood me.
22 I can't say something and then say the contrary afterwards. Certainly the person
23 must have misunderstood me and that is why the ages were recorded in this manner.

24 Q. There seems that there have been many errors in communication; more and
25 more errors in communication. Look at the document that I showed you. That's

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1 your signature on it, isn't it?

2 A. Yes, that is my signature. I don't deny that, but what I said was that what was
3 recorded refers to the date. I talked -- I didn't talk about the 26, but rather I started
4 with (Redacted). If you put it that way, I believe that there's no problem. It
5 already has been recorded. I can concede that point. I can't do anything else right
6 now. The most important thing is that these rapes should be considered by the
7 justice, by the Judges, and this should be said so that you and I can hear this.

8 Q. Witness, yes, the Judges will take into account the rapes if they are corroborated,
9 but if they are corroborated or supported by contradictions, well, you see, this is why
10 we are verifying. You signed. Now, before you signed I suppose you read the
11 document?

12 A. Counsel, I don't know what else to say. I said that I agreed. Despite the
13 consequences for me, there's no problem. I don't think we can dwell on this point.
14 I said that I gave the information and certainly they must have misunderstood and he
15 wrote it down this way. I can't do anything else, because he wrote it down. What
16 else can I do?

17 Q. Very well, we will move on to another matter. Could you please tell the
18 Chamber on what date did (Redacted) die, (Redacted), if you remember?
19 (Redacted).

20 A. I think that we talked about that date. If you are asking me what month, I
21 would say that it was in November. In November, that is when she fell ill.

22 Q. Now, if you don't remember the date very well, how much time after the events
23 would you say? One year? Two years? One month? Three months?

24 A. It wasn't one month, or three months. It was the day I was raped. The
25 gunfire caused her to faint, and after that she fell ill and she died.

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1 Q. We will ask -- we will talk about the causes of the death, but what I'm asking
2 you is after these events, after your rape, she died. Approximately, how long after?
3 A month later, or within months, days, years? Could you give us an idea, if you
4 don't remember the exact date?

5 A. She died two years later. She was paralysed, so she was urinating, she
6 defecated, all of that. She wasn't independent. She had to be fed.

7 Q. Two years after, but on the form you said it was in 2006. Is that another
8 mistake?

9 A. 2006. Between 2006 and 2004, that makes how much?

10 Q. Between 2006 and 2004, that means two years. So it was after the events which
11 occurred in 2002, or was it 2004? The MLC was not there shooting at that time.
12 Shall we acknowledge that the events that led to her death occurred in 2004?

13 A. Counsel, in 2004 there were no problems. It was the gunfire in 2002 that
14 caused her to have this problem, which eventually led to her death -- which finally
15 led to her death.

16 Q. Please, if it was in 2002 when she had that incident and she died two years later,
17 she must have died in 2004; is that not so? You said that she died two years after, so
18 she must have died in the year 2004; is that not so?

19 A. She didn't die in 2004. She died in 2006, so four years after. I think there must
20 have been a mistake. Certainly there was a mistake.

21 Q. I beg your pardon, but this time I don't believe that there was a mistake. You
22 are saying -- you are saying 2004 and 2006. That makes how many years? You
23 yourself are saying that the cause of the death was in 2004 and I agree with you if she
24 died in 2006, but now when --

25 A. Sir, I don't agree with 2004, with that date. It was in 2002. That is when the

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1 problems started, so if you want us to talk about that we can talk about it 'til the
2 evening. I'm not going back on my decision. There must have been a mistake.
3 That is why I provided that date.
4 Q. Okay. We don't -- we just want to get additional information and come to the
5 truth. Don't get worked up. You are the one who is saying that she died two years
6 after in 2006. Those are the conclusions that I'm trying to draw. Let's leave it at that.
7 Now, once again in the same document we have this -- we have yet another error.
8 You just stated and you stated -- you said in your earlier statement before the
9 Prosecutor that her death was due to the repercussions or in the aftermath of the
10 gunfire, the shooting of weapons due to the Banyamulengue; is that correct?

11 A. Yes, that is correct.

12 Q. Is this another mistake on the same document? You said, and I'm reading this
13 out, (Redacted)
14 (Redacted) So it wasn't the shooting. It was the
15 trauma that she had after your rape. How can you explain that?

16 A. Please. Please read the statement again, because I can't see this on the screen
17 clearly.

18 PRESIDING JUDGE STEINER: When you mention here it's another mistake on the
19 same document, this same document is the one that is on the screen; the application?

20 MR LIRISS: (Interpretation) I'm sorry, I forgot to ask for the annex to be placed
21 on the screen.

22 THE COURT OFFICER: Page 18 of the document is available on your screen.

23 MR LIRISS: (Interpretation) Mr Registrar, it says "Following the," that is what is
24 noted, isn't it? At your request, I'll read through it but my concern, the Defence's
25 concern, is to determine the cause of death. You said and repeated today before the

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1 Prosecution that it was as a result of gunshots that she had a crisis and died. And in
2 section D of your application it says the cause of death was the fact that she was
3 traumatised by your rape; she couldn't bear the fact that you were raped. That's my
4 explanation, it's not what is noted here. I'm reading out what it says: (Redacted)
5 who died as a result of the traumatism I suffered, the traumatism she couldn't bear,
6 and as a result of that she had a crisis and two years later died." The cause of death
7 seems different to me. Are we still speaking about an error here, Witness?

8 A. Thank you, counsel. If we need to go into the details of the affair I can say that
9 my wife died as a result of gunshot fire. She was scared by this and fainted. I
10 didn't say "crisis." The term "crisis" implies madness, that if someone is very much
11 afraid, it's not a crisis. I didn't say that she suffered a crisis or died as a result of a
12 crisis. I clearly stated that she died as a result gunshot fire, and as a result of the
13 violence committed against me. This is what caused her to faint. I didn't refer to a
14 crisis.

15 Q. Let's move on to another subject. That's another mistake but we will have the
16 time, as well as the Chamber, to examine all these issues. We'll now move on. In
17 the course of your testimony, you mentioned a certain number of crimes committed
18 by the Banyamulengue; the crime committed against (Redacted) in particular because he
19 was beaten. We're still in closed session, yes. The crime against (Redacted), who was
20 allegedly beaten to death, were you personally present when he was beaten?

21 A. Thank you, Maître. I wasn't present there; (Redacted). They took him
22 away. They took him to their base. That's where they took him, so that (Redacted)
23 (Redacted) and
24 they beat him up and broke his ribs. I wasn't present at the site. (Redacted). It
25 was only in the evening that he was able to return home and tell us what had

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1 happened. They came in the morning to (Redacted) and that

2 was in my presence.

3 Q. Very well. The Defence notes that you cannot claim to be an eyewitness to this
4 beating. And now for my second question: You mentioned the rape of (Redacted)
5 (Redacted). Were you present during this rape?

6 A. (Redacted), Maître. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted) They must have

12 spoken, had an exchange. The person concerned could, I hope, testify (Redacted).

13 Q. So what can we conclude? You weren't there personally, Witness, or the
14 person concerned told you about the matter?

15 A. (Redacted). When they started, (Redacted). I watched at the beginning.

16 I watched them at the beginning. Later, when they started pushing (Redacted) around, (Redacted)

17 (Redacted)

18 (Redacted). I wasn't in a position to see what was happening. The person concerned

19 is available and (Redacted) and provide you with details.

20 Q. Thank you, Witness. The Defence notes that you can't testify about the rape of
21 the (Redacted). You spoke about the rape of (Redacted). Can you testify
22 about this rape? My question is the same: Were you present?

23 A. No, I wasn't present. After the rape she went out (Redacted). I told

24 her (Redacted)

25 (Redacted)

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1 (Redacted).

2 Q. Thank you. This is second-hand testimony. You weren't present and you
3 can't testify about this. And now for another question. You referred to numerous
4 mass graves, and you even added that you had participated in an exhumation of
5 bodies from these graves. My question is as follows: When did these exhumations
6 take place? You could provide us with an approximate date or an approximate year.

7 A. I can't remember the date, Maître, but these bodies were buried in front of the
8 weekend bar, in the vicinity of the market at PK12. Officials from the Red Cross
9 came to exhume the bodies. * The second case concerns the bodies buried at the quarry in
10 So. The parents went to the hospital and they were accompanied by a doctor.
11 They went to exhume the bodies. The quarry case took place one year later. I saw
12 two cases, sir, but I don't remember the exact date. As far as the mass grave or mass
13 graves are concerned, it's near the market, the cattle market, but this doesn't concern
14 the debate we're involved in right now.

15 Q. I'm not referring to the cattle market. That was in October, we agree, and
16 Miskine has been referred to, is in question here. The Chamber can confirm that.
17 But you said there were mass graves at PK12 or there were bodies of people killed by
18 the Banyamulengue and by other forces. And you even said that you were present,
19 that you were involved in the exhumation. I just want to know the date. You said
20 it was one year later; isn't that right? Or two years later?

21 A. The Banyamulengue, well, I spoke about bodies. I didn't speak about
22 numerous bodies. I spoke about a body. For example, the body of (Redacted)
23 (Redacted)
24 (Redacted), was killed while he was trying to flee. He was
25 mistaken for a rebel or taken to be a rebel. (Redacted)

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1 (Redacted). I don't remember the date. I didn't mention numerous bodies, no.

2 Q. This is a satisfactory answer, so we can say that you didn't see any mass graves.

3 You didn't see numerous bodies, cadavers, killed by the Banyamulengue. Could

4 you please just answer by saying yes or no? Can we agree on this?

5 A. If I saw, if I had seen mass graves, I would have mentioned the fact. I only saw

6 individual bodies, bodies of the individuals who had been killed, and (Redacted) those

7 bodies when they killed one, two, three or four persons. Is that a lot of persons?

8 No, I didn't speak about mass graves.

9 Q. Very well, Witness. That's fine, we'll now move on to another subject. You
10 confirm that Mr Bemba arrived at Begoua, don't you?

11 A. Yes, I can confirm that.

12 MR LIRISS: (Interpretation) Your Honour, could we move into open session?

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

14 (Open session at 10.44 a.m.)

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

16 PRESIDING JUDGE STEINER: Mr Witness, we are again in open session, so no
17 names should be mentioned during an open session. Thank you. Maître Liriss.

18 MR LIRISS: (Interpretation) Thank you, Madam.

19 Q. Witness, I'll repeat my question. You said that, in fact, you saw Mr Bemba
20 arriving at Begoua. Can you confirm that he arrived with two helicopters?

21 A. Yes, I accept that, but there weren't two helicopters.

22 Q. So we can correct this, there was one helicopter?

23 A. Yes.

24 Q. Could you tell us what the colour of the helicopter was?

25 A. Thank you, Maître. The helicopter landed on the school compound. He came

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1 to meet us; he set off in the direction of the maternity clinic in a vehicle. I didn't
2 approach the helicopter so I can't tell you what the colour was.

3 Q. Did you see the helicopter in the air before it landed?

4 A. Thank you, sir. I got a glimpse of the helicopter in the air and, afterwards, we
5 saw the soldiers running in all directions and saying that their leader, their president,
6 had arrived. And that is how we went out and followed them as far as the maternity
7 clinic.

8 Q. Witness, if you saw the helicopter in the air, I believe that you should be able to
9 tell us at least the colour of the helicopter. Was it a military one? Was it a civilian
10 helicopter? This is something you could tell us.

11 A. Maître, I could tell you, but when it arrived we didn't know that he was in the
12 helicopter. This was at a time of war. A lot of helicopters were flying over. We
13 didn't know that he was in the helicopter. It's true that afterwards these people were
14 running around and shouting out that the president had arrived. I didn't see the
15 colour of the helicopter, but I did see it with my very own eyes.

16 Q. We can accept that answer. Can you confirm that it is the chef de groupe's
17 secretary who personally met Mr Bemba at your request or, rather, the question of the
18 population.

19 A. I agree.

20 Q. Having spoken to Mr Bemba, he briefed you, didn't he?

21 A. He spoke about it to the people who were there with me. He said -- or, rather,
22 he related the events that had happened to us, and he suggested that we go home and
23 to remain calm and to follow how the events were unfolding. The tension
24 diminished somewhat. So after our brother had spoken to him, the tension
25 diminished somewhat.

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(Private Session)

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Witness: CAR-OTP-PPPP-0023

1 Q. Thank you. This group chef's secretary, do you believe he was a reliable
2 person, a prominent person, a dignitary, an honourable man?

3 A. If we hadn't trusted him, we wouldn't have assigned this mission to him. He
4 was an honourable man and this is why we asked him to say what we felt.

5 Q. Could we say that his testimony is credible? I apologise if you feel that my
6 questions are repetitive, but it's of the utmost essence for the Defence. Would you
7 like me to repeat the question?

8 A. Yes, please repeat your question.

9 Q. If he related the events or if he testified about the events, would his testimony
10 be credible, in your opinion?

11 PRESIDING JUDGE STEINER: Madam Kneuer.

12 MS KNEUER: Madam President, to confront the witness with testimony of someone
13 who never appeared in this Court is highly speculative. I think the proper way
14 would be to first hear that evidence, but to confront the witness with this information
15 is for me impossible.

16 PRESIDING JUDGE STEINER: Maître Liriss.

17 MR LIRISS: (Interpretation) I agree perfectly. But this is not the case, that is why
18 I'm asking for us to go into private session for -- or closed session for five minutes.

19 PRESIDING JUDGE STEINER: Let's go back into private session.

20 *(Private session at 10.52 a.m.) Reclassified as Open session

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

22 PRESIDING JUDGE STEINER: Mr Witness, we are again in private session. You
23 can feel free to speak.

24 MR LIRISS: (Interpretation)

25 Q. Witness, please, what is the name of the general secretary of the chef de groupe?

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Witness: CAR-OTP-PPPP-0023

(Private Session)

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- 1 A. (Redacted) is his first name. I don't know what his surname is.
- 2 Q. At the beginning of your testimony, you said his name was (Redacted); isn't that
- 3 a mistake?
- 4 A. I believe it's a mistake.
- 5 Q. So are we talking about (Redacted)?
- 6 A. Yes, we're talking about (Redacted).
- 7 Q. Do you know his surname?
- 8 A. I can't remember his surname.
- 9 Q. Isn't his name (Redacted)?
- 10 A. Thank you, Maître. It is, in fact, (Redacted).
- 11 Q. Thank you.
- 12 Madam, I would like to refer to (Redacted)- the
- 13 real time transcript - (Redacted). I'll say no more than that. The page number,
- 14 (Redacted). I'll say no more. I have now concluded for the moment.
- 15 PRESIDING JUDGE STEINER: Court officer, please let's turn into open session.
- 16 (Open session at 10.55 a.m.)
- 17 THE COURT OFFICER: We are in open session, Madam President.
- 18 PRESIDING JUDGE STEINER: Thank you. Mr Witness, we are having now
- 19 half-an-hour break in order for you to take some rest. We'll be back at 11.30.
- 20 Please, court officer, turn into closed session in order for the witness to be taken
- 21 outside the courtroom. After that, we are going to suspend and resume at 11.30.
- 22 *(Closed session at 10.57 a.m.) Reclassified as Open session
- 23 THE COURT OFFICER: We are in closed session, Madam President.
- 24 (The witness stands down).
- 25 THE COURT OFFICER: All rise.

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(Closed Session)

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1 (Recess taken at 10.58 a.m.)

2 *(Upon resuming in closed session at 11.36 a.m.) Reclassified as Open session

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

4 PRESIDING JUDGE STEINER: Welcome back. I am informed that the Defence

5 would like to address the Bench. My question is: Would the Defence like to do it in

6 closed session or in open session?

7 MR LIRISS: (Interpretation) *In closed session, your Honour.

8 PRESIDING JUDGE STEINER: Maître Liriss, you have the floor.

9 MR LIRISS: (Interpretation) Thank you, your Honour. In actual fact, this is a

10 problem with procedure and the Defence hopes to receive guidance from the

11 Chamber. It is possible to show the witness a statement from another witness and

12 bearing in mind security imperatives? If it is not possible, can we read out in his

13 absence for the Chamber the particular statement from another witness which

14 contradicts statements made by this witness? We await your instructions.

15 More specifically, this is a statement from the current witness, 38, that alleges that

16 Witness - no, 23 - that Witness 38 met with Mr Bemba and that they spoke and that he

17 informed Mr Bemba of the abuse and violence committed by the MLC, and Witness

18 38 denies this. What are your instructions in this regard?

19 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. Of course, I am going to

20 give the Prosecution the opportunity to make observations, but what I can tell you in

21 advance is that for reasons of safety of witnesses, one witness doesn't know that

22 another person is also a witness, and for that reason it's not possible that you inform

23 the witness that this or that person has already given a statement to the Prosecution

24 and will come to the Court.

25 Contradictions should be discussed or pointed out by the Defence once both

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1 witnesses had come and given the statements here before the Chamber. So it's for a
2 later stage for the Defence to be free to show whatever contradictions and I don't
3 think it would be appropriate or even possible at this stage to inform or to let this
4 witness know that someone else is also coming to testify but, in any case, I would like
5 to listen to the Prosecution. Maybe Madam Kneuer has something else to add.
6 Maître Liriss first.

7 MR LIRISS: (Interpretation) This is a witness who has already appeared.

8 PRESIDING JUDGE STEINER: A previous witness? I misunderstood but, in any
9 case, Witness 23 doesn't know who are the previous witnesses and should not know.
10 That's the point in principle, but I don't know whether Ms Kneuer wanted to add
11 something?

12 MS KNEUER: Thank you, Madam President, your Honours. The Prosecution is
13 not in a position to make recommendations how the Defence should present its case.
14 That's obvious. However, I would like to share with your Honours some concerns
15 that the Prosecution have and they're going exactly in the direction that you, Madam
16 President, already indicated.

17 For protection reasons and for the security of witnesses, it is a standard policy of the
18 OTP not to share with its witnesses who other OTP witnesses are, so the one witness
19 may know another witness, but he or she would not know that this is a witness called
20 by the OTP. They may know each other by chance, because they are living in the
21 same neighbourhood. And, although Witness 38 already testified, there is still a
22 security and protection concern and also there is at least the possibility - I am not
23 saying a likelihood, but a possibility - that witnesses may be recalled for what reason
24 ever and this would make the provision of security and protection in particular for
25 the OTP and VWU even more difficult.

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1 The Prosecution understands, accepts and endorses that the Defence is testing the
2 credibility of the witness and his or her testimony. However, if it goes to
3 contradictions, the Prosecution would greatly appreciate if it could be circumvented
4 in a way that the identity of other OTP witnesses would not be revealed. And
5 if -- and that was my impression before the break.

6 If a witness is supposed to testify about the credibility of a testimony of another
7 witness, I believe that is not the right witness. That was my impression before the
8 break. Thank you, Madam President.

9 PRESIDING JUDGE STEINER: Maître Liriss.

10 MR LIRISS: (Interpretation) Your Honour, perhaps I have put the problem poorly.
11 First of all, it is our honour that we to our credit that we have asked for instructions
12 from the Chamber and, secondly, I did not reveal the name of a witness. I merely
13 asked what was the name of the general secretary who met with Mr Bemba. It
14 would appear that it is Witness 38.

15 Now, in light of the security measures, I am asking the Chamber what possibility do I
16 have to read out to the Chamber in the absence of the witness the statements which
17 are in flagrant contradiction with the statements made by this witness? Our
18 client -- the fact that our client spoke to the local population, which would prove that
19 he was aware of the events, if you think we can provide the references, very well. If
20 you authorise us to re-read two or three important passages, just to refresh your
21 memories and so that it will be shown in today's transcript, we will do that as well.
22 That is all that we have asked for and we await your instructions.

23 (Trial Chamber confers)

24 PRESIDING JUDGE STEINER: Maître Liriss, the Chamber understands that there
25 will be a proper time for the Defence to compare statements and to present to the

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1 Chamber, to make submissions to the Chamber in relation to the contradictions that
2 the Defence finds in one, two, three, four statements, so the Chamber sees no reason
3 why we should now - right now - be alerted, or prevented really, or to take into
4 account contradictions.

5 So we are going to ask the Defence to go back into the questioning of the current
6 witness and, at any time, the Defence will be allowed to make its submissions on this
7 and other contradictions that may appear in relation to statements. That is the
8 Chamber's decision on the issue.

9 I will ask, please, the court officer to bring in the witness.

10 (The witness enters the courtroom)

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

12 (Open session at 11.47 a.m.)

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

14 PRESIDING JUDGE STEINER: Thank you. Welcome back, Mr Witness. Are you
15 ready to continue with your testimony?

16 THE WITNESS: (Interpretation) Yes, I'm ready.

17 PRESIDING JUDGE STEINER: Thank you. Maître Liriss.

18 MR LIRISS: (Interpretation) Thank you very much, your Honour.

19 Q. Witness, good morning once again. I think you will be pleased to learn that in
20 the next ten minutes I will have completed my cross-examination. You stated before
21 the Prosecution that you were a member of OCODEFAD. Could you tell us what
22 this organisation is?

23 A. *Thank you, sir. OCODEFAD is an NGO. Let me explain. OCODEFAD stands
24 for organisation for the compensation and development of the family.

25 Q. Who is the founder of that organisation or the coordinator, if you do not know

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1 who the founder is?

2 A. The coordinator of this NGO is Ms Sayo, Bernadette.

3 PRESIDING JUDGE STEINER: Ms Kneuer?

4 MS KNEUER: Madam President, considering the latest instruction of your
5 Honours -- Madam President, your Honours, concerning the latest instructions on
6 notifying the Defence and the legal representative with a confidential filing, I would
7 suggest to go into private session for this topic and I'm referring specifically to
8 paragraph 9 and 10 of the filing 1002 confidential ex parte.

9 PRESIDING JUDGE STEINER: Any objection to that?

10 MR LIRISS: (Interpretation) I really have nothing to do with these documents.

11 My question doesn't deal with that document. My question deals with the duties of
12 this person as stated before the Prosecutor. That is all.

13 PRESIDING JUDGE STEINER: Let's continue for the time being in open session and,
14 of course, the Prosecution as well as the Chamber will pay attention to see whether
15 any information needs to be redacted.

16 MR LIRISS: (Interpretation) Your Honour, I think you'll recall that Mr Haynes
17 already asked a number of questions on this issue, and even Mr Kaufman, and I am
18 asking the same questions again.

19 Q. Witness, who is Ms Bernadette Sayo? What duties does she currently perform?

20 A. Thank you, Counsel. Before she was the principal of a school towards PK22.
21 After the events, she came back to live in the (Redacted) and from that
22 location she started to think about things and she set up the NGO and then she
23 informed us of the purposes of this organisation and we followed her. At the time,
24 she was the minister of social affairs.

25 Q. Of which government? Could you tell us that?

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1 A. The government of President Bozizé.

2 Q. Is she still carrying out these duties at the current time?

3 A. Yes, she still is carrying out these duties.

4 Q. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 PRESIDING JUDGE STEINER: Maître Liriss, if you are going to continue with this
10 line of questioning, we have to go into private session.

11 MR LIRISS: (Interpretation) As you wish, Ma'am.

12 PRESIDING JUDGE STEINER: Let's turn into private session, please.

13 *(Private session at 11.55 a.m.) Reclassified as Open session

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

15 MR LIRISS: (Interpretation) Could the court officer, please, display upon the
16 screen document CAR-OTP-13001 -- 130117_R02.

17 THE COURT OFFICER: Counsel, could you please indicate which number of the list
18 of documents provided by the case manager are you referring to?

19 MR LIRISS: (Interpretation) It is the statement - the earlier statement - from the
20 witness before the Prosecution, CAR-OTP-0034-0117_R02.

21 THE COURT OFFICER: The document CAR-OTP-0034-0117_R02 is available on
22 your screens.

23 MR LIRISS: (Interpretation)

24 Q. In your statement, if you look towards the end, you say that (Redacted)
25 and you said that (Redacted)

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1 My question is: (Redacted)

2 (Redacted)

3 A. I said a few moments ago that (Redacted) so to speak, in that
4 organisation. (Redacted).

5 Q. Witness, please, (Redacted), that's one thing. (Redacted) is
6 another thing. (Redacted), that's a different thing. If you were doing all three,
7 I would understand what you were doing as (Redacted), but as a (Redacted)
8 (Redacted), as you acknowledge, what were you doing
9 within -- when (Redacted)?

10 A. Yes, you're speaking of (Redacted). Well, (Redacted). I
11 was (Redacted). When money arrived, (Redacted) would manage
12 that money.

13 Q. How many (Redacted)?

14 A. There must have been four members apart from the (Redacted).

15 Q. If I have understood this correctly, (Redacted) of

16 OCODEFAD. (Redacted)

17 (Redacted)

18 (Redacted)

19 A. Thank you, Maître. The aid (Redacted) provided, that the OCODEFAD NGO
20 provided to victims, is as follows. It's an organisation that provides money, or
21 OCODEFAD provided money for activities such as sowing, fish breeding, or cattle
22 raising, honey making. And if the cattle was ill, it was difficult to conduct these
23 activities. Those who still had money on them put into place certain water points so
24 that they could -- or water outlets to have money. This is the sort of aid provided by
25 OCODEFAD to victims.

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1 Q. And in relation to current procedure, (Redacted)

2 (Redacted)

3 A. Thank you, Maître. The sort of advice (Redacted) gave victims was as follows: When
4 (Redacted) were still active, (Redacted) gave victims the opportunity to conduct themselves correctly
5 while waiting for justice to be done, for the judiciary to do its work, so that justice
6 could be done for everyone.

7 Q. When you acted in that capacity -- I apologise, I'll repeat my question. Did the
8 organisation meet any members of the OTP?

9 A. *Thank you, counsel, but the person in question is not here. For there was a time
10 when I didn't have any money to feed my family with, so I remained in the fields to
11 work as an agricultural labourer there. I remember that when the investigators came,
12 my family appealed to me -- or, the families appealed to me, but I returned to the
13 fields. I answered their questions and then I would return to the fields, so I didn't
14 have the opportunity of meeting them.

15 Q. I'm not talking about you yourself, sir. I'm referring to the organisation. Did
16 the organisation have, or did it not have, the opportunity to meet with any member of
17 the Prosecution - of the OTP - or with the Prosecutor himself?

18 A. Thank you, counsel. At the time the NGO members met with the Prosecutor
19 in-chief, whose name I have forgotten, the Chief Prosecutor, that if the NGO that
20 complained requested that the Court send prosecutors to conduct investigations, but I
21 don't remember the details now.

22 Q. Who is the Chief Prosecutor that you have in mind? The Chief Prosecutor at
23 the ICC, or some other Chief Prosecutor?

24 A. After we had filed a complaint, after the coordinator had filed a complaint, we
25 met the Chief Prosecutor of the ICC, or of the ICJ.

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1 Q. You met the Prosecutor Moreno-Ocampo? Were you alone, or with other
2 victims or members of the OCODEFAD organisation? You met the Prosecutor of the
3 ICJ?

4 A. Thank you, your Honour. There were many persons present. There were
5 even other organisations present at that meeting. When we met the Chief Prosecutor,
6 it wasn't just OCODEFAD that was present.

7 THE INTERPRETER: Interpreter's correction -- the witness didn't mention the ICJ
8 but the Centre for Protection of Youth.

9 MR LIRISS: (Interpretation)

10 Q. There was not just the OCODEFAD. There were other victims. Could you
11 please be more precise.

12 I apologise, Madam. Is it necessary to remain in private session?

13 PRESIDING JUDGE STEINER: Maître Liriss, we can go into open session, if you
14 make sure that you don't put questions that can identify the witness, for instance,
15 what was (Redacted); these are
16 identifying information. So I would prefer to go into open session, but I need to ask
17 you to please pay attention to the kind of question you are going to put in public
18 session to the witness.

19 MR LIRISS: (Interpretation) Madam, as far as his duties are concerned, I will put
20 no further questions to the witness.

21 PRESIDING JUDGE STEINER: Therefore, we can try again to go into open session.
22 (Open session at 12.09 p.m.)

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

24 MR LIRISS: (Interpretation)

25 Q. Yes, I interrupted my question. All I wanted to know is with regard to the

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1 meeting with the Prosecutor, you said that it wasn't just your organisation that
2 was present, but others as well, so how many persons in total? More than 10, 20, 30,
3 40, more than 100? Could you give an estimate?

4 A. Thank you. On that day there were over 200 people there. There were many
5 people who filled in that hall in the Centre for Youth Protection. There were many
6 people, but I don't know the exact number.

7 Q. Do you remember the sort of speech that this high-ranking official gave; the
8 speech given by this person to the victims?

9 A. As for the gist of his message, I could say the following: He had learned that
10 there was nothing in particular in the CAR, but he was surprised to find out that there
11 had been a number of victims, numerous victims. He also said that he was trying to
12 identify about 50 people who could testify about all the events, so this is the substance
13 of what he told us.

14 Q. Could he have told you who he intended to prosecute as responsible for the
15 actions committed?

16 A. No, he didn't mention any names. I don't want to tell lies in his name.

17 Q. You said a minute ago -- well, you mentioned money that could be given to
18 such-and-such a victim, or such-and-such a member of the organisation that we have
19 spoken about. Where did this money come from, given that most of the members of
20 the organisation were not affluent, were impoverished given the aggression, or the
21 attacks, that they had been subjected to and the losses they had suffered?

22 A. It was the social centre that gave money to the victims. *At that time, the
23 ministry of social affairs was led by someone else called Madam N'dakala.

24 Q. Does it mean that when the new coordinator assumed her duties, there was no
25 more money given to victims, no more money that came from the ministry or from

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1 the government?

2 A. No, we didn't receive anything from the time that she was appointed to this
3 post. We only received rice that she distributed to the victims. Ten bags. That's
4 what we received since the person was in this post. Ten bags per local chapter.

5 Q. You were aware of the fact that this organisation was excluded from the
6 International Federation for Human Rights given its political nature? For the benefit
7 of the Chamber, the document concerned is ICC-01/05-01/08 450, annex 2. It's the
8 16th document in our binder, in our file.

9 A. Thank you, sir.

10 THE INTERPRETER: The English booth isn't receiving any interpretation from the
11 Sango booth.

12 THE WITNESS: (Interpretation) This is the first time I have heard about this. We
13 haven't seen each other for a long time and I have just found out about it from you
14 now.

15 MR LIRISS: (Interpretation)

16 Q. And do you know the lawyer of this organisation?

17 A. The first lawyers, the person who was a victim in an accident on the road to
18 Damara, a car accident, I no longer remember the person's name. I can no longer
19 remember the person's name. The lawyer wanted to go to Sibut and had a car
20 accident on the way there.

21 Q. Are you talking about Maître Ngoungaye Wanfiyo?

22 A. Yes, counsel. Yes, it is Maître Wanfiyo Ngoungaye, in fact. It's only later that
23 we found out, when we were assigned Maître Douzima and the other lawyer by her
24 side. It is only later that we find out that they had been assigned to us.

25 Q. Witness, I just want to clarify something and then I will let you return to the

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1 sunny country, if the Chamber grants you leave. When we put a question to you
2 about the forces present, you mentioned FACA, R/DOT and in the transcript - the
3 real-time transcript in French - page 5, line 25, it says that the Rémy were there. In
4 the English transcript, page 5, line 6, refers to RMI. So, what is the exact term? Is it
5 Rémy or RMI?

6 A. Sir, I'm not a military man, so I don't know all the names. If I say DOT, FACA
7 and the presidential guard, well, these are the names that I learned about, but if I
8 heard about RMI I would have said so. I'm not sure whether you understand me.

9 Q. No, I'm not putting a question to you about that. It is just for the sake of the
10 transcript. I am not asking you about what it is, we can find that, but I want to know
11 whether you said Rémy, as it says in the French version, or RMI which is what the
12 English transcript says. Sir, it is just a matter of clarifying this. You referred to
13 forces and you refer to the R/DOT and Rémy in French, or perhaps it was badly
14 translated. In English, it is R/DOT and then RMI. We just want to clarify this.
15 Perhaps there was an interpretation error. As far as the explanation is concerned we
16 are not interested in that, so this is all I am interested in.

17 A. RMI.

18 THE INTERPRETER: Interpreter's correction from the Sango booth, RMI.

19 MR LIRISS: (Interpretation) Fine, that's all. Your Honour, Madam President, all
20 that remains to do now is to thank the witness. We have now completed our
21 cross-examination and we are satisfied with the witness's answers. Thank you.

22 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. I was informed that the
23 Prosecution intends to re-direct the witness. Before that, I would ask the court
24 officer to go briefly into private session because I would like to have a clarification as
25 well.

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1 *(Private session at 12.22 p.m.) Reclassified as Open session

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

3 PRESIDING JUDGE STEINER: Thank you. Mr Witness, can I ask you one or two
4 questions just for clarification?

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

6 PRESIDING JUDGE STEINER: Thank you. It is still in relation to OCODEFAD.

7 Are you still a member of OCODEFAD?

8 THE WITNESS: (Interpretation) Thank you, your Honour. Before, we were all in
9 that organisation, OCODEFAD, but what the lawyer is saying is that we, the victims,
10 thought that we were still part of OCODEFAD.

11 PRESIDING JUDGE STEINER: So you are not any more a member of OCODEFAD,
12 or are you?

13 THE WITNESS: (Interpretation) I think that this question is one that I find
14 somewhat confusing, disturbing, because it seems like the moon appearing in the sky.
15 I don't know what decision to take today, as I am a member of OCODEFAD and it is
16 in that capacity that I met the investigators, but if OCODEFAD, if its status of an
17 NGO is withdrawn, well then, those responsible, the representatives, should have
18 told us about that so that we know how to present ourselves, but they didn't do
19 anything of the sort. If the Court hadn't provided us with this information we
20 would still believe that we were OCODEFAD members so, for the moment, I am not
21 really sure what I can say, what I should say, your Honour.

22 PRESIDING JUDGE STEINER: Just to explain that the intention is not to make you
23 feel confused, but it is because the transcripts, sometimes they mention (Redacted)
24 in OCODEFAD using the present tense and sometimes the past tense, so that's why I
25 asked you the question in relation to (Redacted) present (Redacted) in OCODEFAD. So it is

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1 not to disturb you at all; it's just clarification. Judge Aluoch also wants to put to you
2 a question. Thank you, Mr Witness.

3 JUDGE ALUOCH: Do I have your permission, Witness, to put a question to you on
4 this topic?

5 THE WITNESS: (Interpretation) Of course I accept. I am here to answer
6 questions. If I am tired I will say so, but I am ready to answer your questions.

7 JUDGE ALUOCH: Can you tell us as a Chamber when was the last time you took
8 part in any activity concerning this organisation? Was it last year, two years ago,
9 just before you came here?

10 THE WITNESS: (Interpretation) It was a long time ago. Before I arrived here,
11 when the investigations were launched, we were called and told that they didn't want
12 our lives or they didn't want us to be badly perceived and that there shouldn't be any
13 more meetings. It was necessary for us to wait for them to call meetings, organise
14 meetings, and now it's been three or four years. Since that time I've no longer been
15 (Redacted).

16 JUDGE ALUOCH: Thank you.

17 PRESIDING JUDGE STEINER: Court officer, we can turn into open session please.
18 (Open session at 12.28 p.m.)

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

20 PRESIDING JUDGE STEINER: Mr Witness, we are again in open session and the
21 Prosecutor wants to direct some further questions to you. Are you ready to proceed
22 with your testimony?

23 THE WITNESS: (Interpretation) Yes, I'm ready.

24 PRESIDING JUDGE STEINER: Mr Bifwoli.

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

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1 I ask that the following document be displayed. It is a confidential

2 document,EVD-T-OTP-00016 at 0099.

3 THE COURT OFFICER: The document is available on your screens and is marked
4 as confidential.

5 MR BIFWOLI: Thank you.

6 QUESTIONED BY MR BIFWOLI:

7 Q. Sir, I have a few questions for you just to clarify a few things, and before I pose
8 the question I'm going to read through part of the statement that you provided in this
9 case. Then after I have read through that portion, I'll ask you some questions. Is
10 that okay with you?

11 A. I agree.

12 Q. Thank you, sir. (Microphone not activated)

13 PRESIDING JUDGE STEINER: Is your microphone on?

14 MR BIFWOLI: Pardon, Madam President, your Honours. Can you hear me now?

15 Q. Witness, I'm sorry, I think there was a slight problem with the microphone, but
16 what I want to do is I want to read to you a portion of your statement and then I will
17 ask you questions thereafter. Now, your statement as you recorded read like this:

18 "Witness," meaning you, "during our collaboration here I told you my story. You
19 wrote it down on paper for justice, and I am wondering if I am going to be in trouble
20 with the justice." "Investigator: No. Why?" "Witness: Because you asked me
21 any time to put my name on the drawings and sign." Then the investigator asked:
22 "No, you did not do anything wrong. Why would you be in trouble?" Then you
23 answered: "Yes, but you told me that this government in Central African Republic
24 may have access to my documents. If they have access to my documents, maybe
25 they will try to kill me." Then the investigator continues: "You have to keep in

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1 mind that we are investigating the events that took place in Bangui during 2002 and
2 2003 and that it was the government of Central African Republic which asked us to
3 clarify these events. They want the people responsible for the crimes to be brought
4 into justice." "Right." "So, why would you be in trouble for that? What we want,
5 what you want and what the government wants, is to have the people responsible for
6 those crimes brought in front of the Court." And you answered: "Yes, you are right,
7 but the same perpetrators are still acting in the west of the country. What if they
8 come into power? Maybe I'll be in trouble with the new government. It was just a
9 question. I maintain my collaboration. When you will leave the country, I'll go
10 back to my normal activities." Then the investigator said: "You are right. It is
11 okay to ask. However, you should keep in mind what I told you the first day of the
12 interview. On that occasion I explained to you that, from the moment you agree to
13 collaborate with us, we are responsible for your security. I gave you a telephone
14 number. You can use this number if you feel you are in danger as a consequence of
15 the information that you share with us. Apart from that, we will be in contact with
16 you regularly. We will take a plane and leave, that's right. We will leave to go to
17 another country, that's right, but we will use the telephone to talk to you and to keep
18 contact with you. You are right to raise your security concerns. The information
19 you gave us is very valuable, but in principle you should not be worried about any
20 problem concerning it. The current government, the victims and the ICC, are
21 working for the same purpose and we are all bound by the confidentiality principle."
22 And lastly you answered: "Yes, I know, of course you are right. I asked you this
23 question because yesterday in the night I listened to the radio, Ndeke Luka, and I
24 heard that they killed the Mayor of Kwi, because they took as hostages some people
25 and the mayor was negotiating with the government about their release, but

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1 unfortunately the mayor was killed, and the family too."

2 My question is, do you recall stating that to the investigators?

3 A. Yes, Mr Prosecutor, I remember saying that to the investigators.

4 Q. Thank you. Now, my question is this: Please tell us who killed the Mayor of
5 Kwi.

6 A. It was when President Patassé was still in power, but we don't know who killed
7 him because where we were, well, it was more than 100 kilometres away from Bangui.
8 I don't know who killed him. I can tell you that it was during the reign of President
9 Patassé.

10 Q. Thank you very much for your answer. Now, I will also at 0100 read for you
11 just two paragraphs and then I will ask you another question. When the investigator
12 asked you: "When you are talking about those people killed, who are the
13 perpetrators," and you answered, "The bandits," can you explain to the Court who do
14 you refer to as "the bandits"?

15 A. Thank you, Mr Prosecutor. When I spoke about bandits, it was to explain to
16 you that I had no idea who the perpetrators of these crimes were. Bandits are
17 strangers, unknown people.

18 Q. Thank you for that clarification. I'll move on to the next clarification. Defence
19 counsel has suggested that there are inconsistencies between your statement to the
20 Office of the Prosecutor and victims participation forms; in particular, the ages of
21 your children and place of death of your (Redacted). That is in today's transcript,
22 pages 9, lines 1 to 25; page 10, lines 1 to 25; page 11, lines 1 to 25; and page 12, lines 1
23 to 17. You responded that there might have been miscommunication with the
24 person who recorded your victim participation form. What is not clear from the
25 record is the procedure followed, and my question is: When you made your

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1 statements to the investigators from the Office of the Prosecutor, was it carefully read
2 over and explained to you?

3 A. Thank you, Mr Prosecutor. As I just said to the defence team of Mr Jean-Pierre,
4 what I said to the investigators was different from what they mentioned. I didn't
5 know why I signed that piece of paper, but the people in question, they will come, so
6 they will tell their stories before the Court and you can draw conclusions.

7 Q. Thank you, sir, but I would like to focus your attention not to what you said,
8 because the question I am asking you is about the procedure of how the investigators
9 recorded your statement. After you told them all that you've told us here today, did
10 they read it back to you, the investigators from the Office of Prosecutor?

11 A. Thank you. They re-read the statement to me, but I didn't pay a lot of attention.
12 I didn't pay attention to the dates on which -- the date on which my children were
13 raped. I did not pay attention; otherwise, I could have made the correction, but I
14 wasn't paying attention. I wasn't very attentive that day.

15 Q. Now, I want us to talk about this victim application form that you were shown
16 by the Defence. Was it -- after stating what you stated that is in that form, was it
17 read back to you?

18 A. Yes, if there is a form. Yes, it was read to me. Without -- without having it
19 read to me, how could I have understood?

20 Q. Thank you very much for that clarification. My next area of clarification is at
21 page 43, lines 7 to 14, of the unedited transcript you stated that you are human and
22 that you may have made a mistake regarding the exact day and date that you and
23 your family were raped, but the rape actually occurred. Now, your statement shows
24 that you were interviewed in March 2008. Sir, between 2002 and 2008, those are how
25 many years in-between?

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1 A. The question was asked of me?

2 Q. Yes. My question is: You recorded the statement about these events in 2008,
3 the events that you suffered in 2002. How many years are in-between 2002 and
4 2008?

5 A. Six years in all. I repeat, six years.

6 Q. Now, the Defence counsel asked you whether you witnessed a number of rapes
7 and other victims of rape in your neighbourhood. You responded that you did not
8 eyewitness this. Now, (Redacted) apart from
9 witnesses -- apart from witnessing what happened, is there any other way that you
10 would have known that rapes were committed against these (Redacted)
11 (Redacted)

12 A. Yes, Mr Prosecutor. As I have already told you, there were (Redacted)
13 (Redacted) and, after our meeting, (Redacted) to report the abuses and
14 the violence. However, I can tell you that I'm not in a position to remember all the
15 dates, Mr Prosecutor.

16 Q. It's fine. We are not asking you about the dates, but we just want you to clarify
17 that the people you mention as having been raped whether they (Redacted) in
18 spite of you having not seen it with your own eyes.

19 PRESIDING JUDGE STEINER: Maître Liriss.

20 THE WITNESS: (Interpretation) That's right, Mr Prosecutor.

21 PRESIDING JUDGE STEINER: Mr Liriss.

22 MR LIRISS: (Interpretation) This is obviously a leading question, obviously a
23 leading question. I object.

24 PRESIDING JUDGE STEINER: Although maybe too late, but your objection is
25 sustained. It was a quite leading question, Mr Bifwoli.

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1 MR BIFWOLI: Thank you, Madam President, your Honours. I will reformulate my
2 question.

3 Q. Sir, can you clarify, you have stated in your statement that certain victims were
4 raped, (Redacted) and you've given other names there, yet you've also
5 stated that you did not eyewitness them being raped. So how do you know that they
6 were raped?

7 A. There were cases, the cases of young girls (Redacted). These girls,
8 they were still bleeding and (Redacted). If a person is still
9 bleeding from between the legs, what does that mean, Mr Prosecutor?

10 Q. Sir, maybe I've not put my question clearly. We are fine with the victims that
11 you saw with your eyes, but the other victims of rape - which you say they were
12 raped, but which you also say that you did not see with your eyes, those victims
13 being raped - now, why do you say these victims were raped? How did you know
14 that they were raped when you did not see with your own eyes?

15 A. Well, I told you I was not an eyewitness of those rapes, and I'll give you an
16 example. Let's say someone says that they were the victim of an event, what can you
17 do? That is why (Redacted) to the police station to report these cases of abuse
18 and violence. I couldn't ask to go back to the victim's home. The victim came to (Redacted)
19 (Redacted), looking for solutions. That is what I can tell you, Mr Prosecutor.

20 Q. Thank you, sir, for that answer. Sir, I think my last clarification -- I just want to
21 come back to the first question and just make a slight clarification regarding the
22 procedure of the victim participation form and the statement recorded by the Office
23 of the Prosecutor. You've stated that you made a mistake. Was this in the
24 statement, or in the victim participation form?

25 PRESIDING JUDGE STEINER: Maître Liriss.

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1 MR LIRISS: (Interpretation) Ma'am, I'm sorry. Once again, a leading question.

2 The witness did not say that he made a mistake; the witness said that he may have
3 made a mistake. So one should not put words in the witness's mouth.

4 PRESIDING JUDGE STEINER: Mr Bifwoli, you can quote the information you are
5 mentioning or, please, rephrase your question.

6 MR BIFWOLI: Thank you, Madam President. I think I can rephrase my questions
7 in a different way.

8 Q. Witness, how long did it take you to fill your victim participation forms?

9 A. Those victim forms, we filled them out over 48 hours because we had to fill
10 them out page-by-page. So we spent 48 hours filling them out, filling out those
11 forms.

12 Q. Thank you. And did you fill the form yourself?

13 A. I filled out the form and sometimes the coordinator helped us fill out the forms.

14 Q. Sir, at page 11, lines 12 to 17, you spoke about a person who recorded the
15 information must have misunderstood. That's what you told the Court. So can you
16 tell the Court do you recall who that person was?

17 A. I think that I said many things. I had said many things, but what can I say so
18 as not to just give any old answer? You are talking specifically about which
19 document? The document that has to do with the age of the children? Which
20 document are you talking about?

21 Q. Thank you, sir. The document I am talking about is the one to do with the ages
22 of children.

23 A. Thank you, Mr Prosecutor. The person who drafted this document, as I said a
24 minute ago, didn't correctly hear what I said and that is why she spoke -- she
25 mentioned 20 years of age. When I re-read it, I wasn't careful. The matter has been

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1 cleared up now and I see that the age is not correct, but I know that when the
2 person -- if the person concerned was here they would provide the correct age and
3 you could compare that information with what I have said and then you would have
4 the correct information, Mr Prosecutor.

5 MR BIFWOLI: Thank you, sir, and that's all we had for re-examination. We thank
6 you so much for cooperating with the Court. Thank you.

7 PRESIDING JUDGE STEINER: Maître Liriss, I ask whether you still have any
8 questions to put to the witness because in any case we have to have a break.

9 MR LIRISS: (Interpretation) Yes, but not questions. If you want to have the break
10 now there are three minor issues and then we could conclude, if you like.

11 PRESIDING JUDGE STEINER: Do the interpreters agree with one or two more
12 minutes?

13 THE INTERPRETER: The interpreters agree.

14 PRESIDING JUDGE STEINER: You can proceed.

15 MR LIRISS: (Interpretation)

16 Q. Witness, you have just answered the question put to you by the Chamber at
17 page -- line 9 and 10 of the page that precedes this one. The question was: Who
18 filled in the form? It's in the French transcript. You said that you did and
19 sometimes the coordinator assisted you to fill it in; is that correct? We can re-read it;
20 is that correct?

21 A. I didn't say the coordinator. I said that as far as I was concerned I myself filled
22 the form in, but in the case of others the coordinator did that work. The person who
23 worked at the foundation, the gentleman who was there, helped people fill the form
24 in.

25 Q. In 2008, when you were interviewed by the Prosecution, were you still a

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1 member of that organisation and when you filled in your form in 2008, in

2 October 2008, were you still a member of this organisation; yes or no?

3 A. I was still a member of the NGO, but I was in the village where I worked as an
4 agricultural labourer. When one appealed to me, I came to do some work and then I
5 would return to the fields.

6 Q. You told the Prosecution that you didn't tell your story to anyone apart from the
7 members of the NGO; yes or no?

8 A. What did I say to the board of that NGO? I would like you to clarify matters so
9 that I can answer your question.

10 Q. We want to know whether on the date that you gave your statement you were
11 still a member of the NGO. I will re-read what you said; CAR-OTP-0038-067_R02.

12 Question: Witness, did you tell your story to anyone apart from to us, the
13 investigators?

14 PRESIDING JUDGE STEINER: Maître Kneuer?

15 MS KNEUER: Madam President, sorry for the late intervention but I needed to
16 check what was on the transcript. My learned colleague said, and I quote from page
17 51, line 25 onwards, "You told the Prosecution that you didn't tell your story to
18 anyone apart from the members of the NGO; yes or no?" I would be grateful if this
19 could be referenced, because I do not believe that this is correct.

20 PRESIDING JUDGE STEINER: Maybe it's better if we go into the break because, as
21 far as I can see, this is going to take too long. Mr Witness, we are going -- Maître
22 Liriss, could you please.

23 MR LIRISS: (Interpretation) I apologise, your Honour.

24 PRESIDING JUDGE STEINER: Mr Witness, we are going now to suspend this
25 session to have our lunch break and you can take some rest. There are still a few

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1 questions to be put to you, so we are going to ask you to come back at 2.30 for the
2 Defence and maybe the Chamber to finish with your questioning. So we hope you
3 take your time, you have some rest and we'll be back at 2.30.

4 We are going -- I am asking, please, the court officer to turn into closed session in
5 order for the witness to be taken outside the Court. In the meantime, we are going to
6 suspend and resume at 2.30.

7 *(Closed session at 1.07 p.m.) Reclassified as Open session

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

9 (The witness stands down)

10 THE COURT OFFICER: All rise.

11 (Luncheon recess taken at 1.09 p.m.)

12 *(Upon resuming in closed session at 2.39 p.m.) Reclassified as Open session

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

14 PRESIDING JUDGE STEINER: Good afternoon. Please, court officer, bring the witness
15 in.

16 (The witness enters the courtroom)

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

18 (Open session at 2.41 p.m.)

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

20 PRESIDING JUDGE STEINER: Thank you very much. Good afternoon, Mr Witness.
21 Did you have opportunity to rest a little bit?

22 THE WITNESS: (Interpretation) Yes, I was able to rest well.

23 PRESIDING JUDGE STEINER: We have -- the Defence has still a couple of questions to
24 put to you and then maybe the Chamber may have another couple of questions. Are you
25 ready to proceed?

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

2 PRESIDING JUDGE STEINER: Thank you. Maître Liriss, are the questions that you are
3 going to put to the witness to be put in open or private session?

4 MR LIRISS: (Interpretation) In open session, your Honour.

5 PRESIDING JUDGE STEINER: So you have the floor.

6 MR LIRISS: (Interpretation) Madam, if we look at the French transcript, the real-time
7 French transcript on page 56 thereof lines 8 to 10, Prosecution asked the following
8 question to the witness: "Did you fill in the form yourself?" The answer was, "It was I
9 who filled in the form."

10 Q. As such, the question is as follows: As he filled in his form himself, how could he
11 forget the age of his children?

12 A. Thank you, counsel. I can't forget the age of my children. I don't know what
13 happened. I wasn't paying attention enough to follow what was going on and that's why
14 I signed as such. I've already said here that the person who was concerned, or these
15 people will come. The people who are concerned will come before the Court and they
16 will tell you what age they have. I also stated to you that I have not received a very high
17 level education. There are certain things I confuse some of the time, and that is the
18 reason why I asked to speak in Sango so that I could be well understood.

19 Q. Thank you very much. I just wanted to ask this question to remind the Prosecution
20 that if they wanted to say it was another person who had filled in this form that it wasn't,
21 but another question that I wanted to ask you, "Sometimes it was the coordinator who
22 helped us to fill in the form." Now, is this a coordinator of the organisation which we
23 referred to a moment ago?

24 A. I said that the coordinator was that -- I said that the coordinator helped people to fill
25 in their forms. That's what I said, counsel.

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1 Q. Thank you, I've understood that. A question was put to you and I think Madam
2 Kneuer would have the reference. The French reference is CAR-OTP-0034-0167. The
3 question was put to you as follows. The investigator: "Did you tell your story to
4 anyone else other than us?" Answer: "I haven't spoken to anyone other than the
5 counsel of the organisation." Is that correct?

6 PRESIDING JUDGE STEINER: Madam Kneuer?

7 MS KNEUER: Thank you, Madam President. I am objecting on the ground of your
8 Honour's ruling 1023, paragraph 14. My learned colleague is going beyond the scope
9 that your Honours approved for re-direct purposes.

10 PRESIDING JUDGE STEINER: I think Madam Kneuer is right, Maître Liriss. The
11 re-direct questions is in relation to the answers given by the witness to the questioning by
12 the Prosecutor. It's not to add new questions, or new elements. What do you have to
13 say about that?

14 MR LIRISS: (Interpretation) Madam, I understand, but all this is in relation to the
15 question that was put to the witness; namely, whether he was still a member of this
16 organisation. I wanted to draw the attention of the witness to his answer, because when
17 he testified before the Prosecutor he was still a member of that organisation.

18 Furthermore, still with regard to this question, I wanted to draw the attention of the
19 Chamber to the fact that, when the witness filled in his participation form, the Chamber
20 could see with regards to the question that was put that the witness added to that his
21 membership card of the organisation. And here I just want to point out that on this date,
22 or on that date, he was still a member of that organisation. I don't know whether he still
23 is.

24 JUDGE ALUOCH: Mr Liriss, you sound to me like you are making your submissions.
25 Were you putting a question, or are you making submissions, which I believe you will

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1 have a chance to do at a later stage?

2 MR LIRISS: (Interpretation) You're right, Madam.

3 (Trial Chamber confers)

4 PRESIDING JUDGE STEINER: Thank you, Mr Witness. The Chamber needs a final
5 clarification on one point and I would like to ask Mr Witness not to feel confused by the
6 question. It's just a matter of clarification for the record of the case. Do you understand
7 that?

8 THE WITNESS: (Interpretation) I have understood that well.

9 PRESIDING JUDGE STEINER: So we ask you not to take offence if we ask a repetitive
10 question, but for us it was not clear. It's not your fault. It's ours. For that purpose I
11 ask, please, the court officer to display only inside the courtroom again page 9 of the
12 witness's application for participation, and after that I will ask for the display of pages 13
13 and 14.

14 THE COURT OFFICER: Page 9 of the application for participation is available on your
15 screens by pressing button "PC1."

16 PRESIDING JUDGE STEINER: Mr Witness, can you see the page? Is it on your screen?

17 THE WITNESS: (Interpretation) I see the page, but I can't read it. I certainly can't
18 read it well.

19 PRESIDING JUDGE STEINER: No, you don't have to read. The question is whether
20 this handwriting is yours, or from the person that helped you in filling the form?

21 THE INTERPRETER: The English interpreter hears no answer.

22 THE WITNESS: (Interpretation) Your Honour, this is my writing.

23 THE INTERPRETER: The interpreters ask that the witness respects the five second rule.

24 PRESIDING JUDGE STEINER: Thank you very much. On page -- now please, court
25 officer, to display I think it can be only the bottom of page 13.

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1 THE COURT OFFICER: Yes, Madam President. The document is available on your
2 screens.

3 PRESIDING JUDGE STEINER: Mr Witness, in this page, in the last part of this
4 document - it then goes into page 14, please, court officer - it's stated that someone helped
5 you in filling this form. In which way this person helped you? This is what the
6 Chamber would like to know.

7 THE WITNESS: (Interpretation) Thank you, Madam President. I told you that I filled
8 in the form myself. Otherwise the people who came afterwards they were helped by the
9 coordinator, who was chosen by Ms Sayo because she carried out these functions as
10 minister. It was the coordinator who helped the others fill in their forms.

11 PRESIDING JUDGE STEINER: Thank you very much for the clarification you just gave
12 to the Chamber, Mr Witness.

13 Mr Witness, we came now to the end of your testimony. The Chamber and the Court
14 would like to thank you very much for your presence here, for your availability all these
15 days and for your cooperation in answering so many questions. We all are very thankful
16 to you.

17 In order for the Chamber to find the truth, it's critical that witnesses such as yourself are
18 prepared to give evidence to assist us in the relevant issues in this case. We are aware
19 that giving evidence, coming to The Hague from so far from your home country, certainly
20 has been inconvenient for you and possibly may have involved even some personal risk.
21 You therefore leave us now, in order to go back home, with our thanks. And before you
22 go, the Chamber would like to know whether there is anything else you would like to
23 address to the Chamber? Feel free to do that, if you so wish.

24 THE WITNESS: (Interpretation) Thank you, your Honour. I would like to thank
25 everyone present here in the courtroom and, above all, yourself - the Chamber - the legal

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1 representatives of the victims. I would like to thank all of these people because it is
2 thanks to you that I am before you, before this tribunal today.
3 Perhaps in the future I'll be returning. I don't know whether we will see each other again.
4 God decides everything, everything is in God's hands, but I ask that he protect you and I
5 hope you will have the opportunity to do justice for all those who will be appearing after
6 myself before this tribunal, before this Court. That is all that I would like to say.

7 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. We are going now
8 to turn into closed session in order to allow the witness to be taken outside the courtroom.
9 And maybe we will take five minutes, it will take five minutes, to bring in the next
10 witness, Witness 81.

11 In the meantime, Mr Witness -- and Maître Zarambaud, if you want to have a word with
12 Mr Witness, please feel free to do so during this short break. Mr Witness, thank you very
13 much. Court officer, let's go into closed session, please.

14 *(Closed session at 3.02 p.m.) Reclassified as Open session

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

16 (The witness is excused)

17 PRESIDING JUDGE STEINER: I just want to inform you that I was informed that we
18 need a 15-minute break because the changes that have to be made in relation to protective
19 measures since now we have a female witness to be brought into the courtroom. So we
20 are going to suspend for 15 minutes and then we'll come back.

21 THE COURT USHER: All rise.

22 (Recess taken at 3.04 p.m.)

23 *(Upon resuming in closed session at 3.20 p.m.) Reclassified as Open session

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

25 PRESIDING JUDGE STEINER: So I apologise, but we are starting in closed session in

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1 order to save some time. I will ask immediately Witness 81 to be brought into the
2 courtroom.

3 (The witness enters the courtroom)

4 PRESIDING JUDGE STEINER: We can turn into open session, court officer.

5 (Open session at 3.22 p.m.)

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

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

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

10 PRESIDING JUDGE STEINER: You are very welcome to this Court. The Chamber,
11 who just informed the parties and participants - and it is also for the witness's
12 knowledge - that (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted) from Maître Zarambaud on behalf of the victims that he represents asking
4 permission to question Witness 81, filing 1136. The application contains a list of nine
5 questions. On 19 January 2011 Maître Douzima filed a similar application to question
6 Witness 81 containing a list of six questions.

7 Having considered the reasons given by both Maître Zarambaud and Maître Douzima, as
8 to why the personal interests of the victims that they represent are affected, the Chamber
9 allows both legal representatives to put their proposed questions contained in their filings.

10 Madam Witness, I will now ask the court officer to facilitate you taking the oath by
11 reading out the words on the printed card containing the words of the oath. Court
12 officer, please.

13 THE COURT OFFICER: Yes, Madam President.

14 WITNESS: CAR-OTP-PPPP-0081 (Sworn)

15 (The witness speaks Sango)

16 PRESIDING JUDGE STEINER: Madam Witness, could you please repeat the words of
17 the oath that were just read to you.

18 THE WITNESS: (Interpretation) Yes, I can.

19 PRESIDING JUDGE STEINER: So I request, please, court officer to repeat but this time
20 sentence-by-sentence.

21 THE COURT OFFICER: Yes, Madam President. I solemnly declare --

22 THE WITNESS: (Interpretation) I swear to speak the truth -- to speak the truth, the
23 whole truth --

24 THE COURT OFFICER: And nothing but the truth.

25 THE WITNESS: (Interpretation) And nothing but the truth.

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1 PRESIDING JUDGE STEINER: Thank you, Madam Witness. Madam Witness, I need to
2 ask you, now that you have taken the oath, if I can confirm that you understand what the
3 oath means.

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

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

8 THE WITNESS: (Interpretation) Yes.

9 PRESIDING JUDGE STEINER: Thank you. Madam, as you will have had explained to
10 you by the Victims and Witnesses Unit during your familiarisation process since arriving
11 in The Hague, you will be questioned by the Prosecution, by the legal representatives of
12 victims, and then by the Defence. Because we speak different languages, there is
13 interpretation so that we can understand each other. But, because of this, it is important
14 that you speak slower than normal, as I am doing now, in order to allow the interpreters
15 to do their jobs. Sometimes, because this can seem unnatural - we don't speak like that,
16 usually - it may be that you start speeding up, and I will have to interrupt you, to remind
17 you that you have to slow down. It is purely for practical purposes, and I hope you don't
18 take offence for that and that does not discourage you from speaking. Did you
19 understand what I said, Madam?

20 THE WITNESS: (Interpretation) I understand.

21 PRESIDING JUDGE STEINER: Thank you, Madam Witness. Madam, just a couple of
22 questions. During the familiarisation process, have you been given the opportunity to
23 read or have read to you the statement, or statements, that you made to the Court?

24 THE WITNESS: (Interpretation) Yes, I had the opportunity of doing so.

25 PRESIDING JUDGE STEINER: At the time when you made the statement or statements,

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1 did you do so voluntarily?

2 THE WITNESS: (Interpretation) Yes, it was voluntary.

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

6 THE WITNESS: (Interpretation) Yes, it's the truth.

7 PRESIDING JUDGE STEINER: Thank you, Madam. Now we are going to start with
8 your questioning by the Prosecution. At any time, Madam Witness, you feel tired or
9 distressed, or for any reason you need a break, you just ask the Chamber and you will
10 have as many breaks as you want. Is that fine with you?

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

12 PRESIDING JUDGE STEINER: Are you ready to start being questioned by the
13 Prosecution?

14 THE WITNESS: (Interpretation) I'm ready.

15 PRESIDING JUDGE STEINER: Thank you very much. Mr Bifwoli.

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

17 QUESTIONED BY MR BIFWOLI:

18 Q. Good afternoon, Witness.

19 A. Good afternoon.

20 Q. Madam Witness, my name is Thomas Bifwoli and I represent the Prosecution in this
21 case. Thank you very much for your presence today and your cooperation with the
22 Court. Before I proceed, I want to inform you that I put questions to you in English.
23 These questions will be translated to you into Sango and the answers that you will give in
24 Sango will be translated back to us, into English. So we both need to speak slowly and
25 into the microphone and try to pace ourselves so as to allow the interpreters to interpret

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1 both into English and Sango. Do you understand?

2 A. I do.

3 Q. Thank you very much, Madam Witness. I will be asking you questions about
4 events that you may have experienced during the 2002 to 2003 conflict in the Central
5 African Republic. During the questioning I will ask you different types of questions.

6 These may include "when," "why," and "how do you know" questions. Please do not
7 take offence if you are asked these questions. It is important for the Court to understand
8 the basis of your knowledge of the facts. If there are any questions that you wish to ask,
9 or questions which you do not understand, please ask me to repeat or to rephrase, and I
10 will do so. Also, feel free to clarify issues and to ask if you don't understand any aspect
11 of the proceedings. Do you understand?

12 A. I understand.

13 Q. If you don't know the answer to any question, please say so, or just say, "I don't
14 know." It is okay if there are some things that you do not know or you do not remember.
15 Do you understand that?

16 A. I understand.

17 Q. And as Madam President mentioned a few minutes ago, any time you feel like you
18 need a break, please let us know and you will be given the breaks that you may need.
19 Do you understand?

20 A. Yes, I do.

21 MR BIFWOLI: Madam President, your Honours, I now request that we go into private
22 session so that I can ask the witness about her personal particulars.

23 PRESIDING JUDGE STEINER: Court officer, could we please turn into private session.

24 *(Private session at 3.45 p.m.) Reclassified as Open session

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

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1 PRESIDING JUDGE STEINER: Let me just explain to the witness that we are now in
2 private session. In private session nobody outside the courtroom can hear you, so you
3 can feel free to answer the questions to the Prosecution because your answers are not
4 going to be broadcast outside the courtroom. Mr Bifwoli.

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

6 Q. Madam Witness, I am now going to ask you questions regarding your personal
7 particulars. Please tell us what is your full name?

8 A. I agree.

9 Q. Thank you. What is your full name?

10 A. My name is (Redacted).

11 Q. What is your father's name?

12 A. My father's name is (Redacted).

13 Q. And what is your mother's name?

14 A. My mother's name is (Redacted).

15 Q. Where were you born?

16 A. I was born in Begoua.

17 Q. What is your date of birth?

18 A. I was born on (Redacted).

19 Q. Which year?

20 A. (Redacted)

21 Q. What is your nationality?

22 A. I don't understand your question.

23 Q. Which country do you come from?

24 A. I come from Sibut.

25 Q. That is in which country?

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- 1 A. In the Central African Republic.
- 2 Q. What is your ethnicity?
- 3 A. I am (Redacted).
- 4 Q. Madam Witness, what languages do you speak and understand?
- 5 A. I speak the language of my tribe, as well as Sango.
- 6 Q. Apart from those two that you've mentioned, are you able to speak a little bit of
- 7 any other language?
- 8 A. No.
- 9 Q. Madam Witness, (Redacted)?
- 10 A. (Redacted)
- 11 Q. Can you tell the Court (Redacted)?
- 12 A. (Redacted).
- 13 Q. Madam Witness, do you have children?
- 14 A. I have (Redacted) children. (Redacted).
- 15 Q. Madam Witness, where do you live? In answering my question, do not state the
- 16 exact location where you live. Madam Witness, did you understand my question, or I
- 17 repeat?
- 18 A. I don't understand your question. You asked me where I live. Here, or in Bangui?
- 19 Q. Madam Witness, I mean in Bangui.
- 20 A. I live in PK12.
- 21 Q. Thank you, Madam Witness. And my last question in this closed session is what is
- 22 your current occupation?
- 23 A. (Redacted).
- 24 MR BIFWOLI: Thank you very much, Madam Witness, for the answers you've given us
- 25 so far. Madam President, your Honours, I have now exhausted the questions for the

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1 closed session and I would like to go into open session.

2 PRESIDING JUDGE STEINER: Let's go -- turn into open session, please.

3 (Open session at 3.55 p.m.)

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

5 PRESIDING JUDGE STEINER: Madam Witness, now we are in open session, which
6 means that what you say can be heard outside the courtroom. Your voice cannot be
7 identified, but the public can listen to what you say. So please try to avoid mentioning
8 any names of family members, neighbours, or places that can identify you to the public.
9 Do you understand, Madam?

10 THE WITNESS: (Interpretation) I understand.

11 PRESIDING JUDGE STEINER: Mr Bifwoli, you have a few minutes.

12 MR BIFWOLI: Thank you very much, Madam President and your Honours. In fact, my
13 colleagues had just brought it to my attention that we have less than five minutes left, and
14 considering that the next topic I am going to get into, which is about the victimisation of
15 the witness, is most likely going to take a bit of time, it is our request that we adjourn
16 today's session and we proceed tomorrow.

17 PRESIDING JUDGE STEINER: Madam Witness, we are going to stop now. Then you
18 can take some time, you can rest and tomorrow morning the Prosecution will start your
19 questioning about the facts. We hope that you can take some rest, that you can sleep
20 well and we will be back in this courtroom tomorrow morning at 9.30. Thank you very
21 much. We are going now into closed session in order to allow the witness to be taken
22 outside the courtroom and, in the meantime, we are going to adjourn. I would like to
23 thank very much Prosecution team, the legal representatives of victims, our representative
24 of Victims and Witnesses Unit, the Defence team, Mr Jean-Pierre Bemba Gombo, our
25 interpreters and court reporters and wish you all a nice evening. So let's go into closed

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1 session and then we will adjourn.

2 *(Closed session at 3.59 p.m.) Reclassified as Open session

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

4 (The witness stands down)

5 THE COURT OFFICER: All rise.

6 (The hearing ends at 4.00 p.m.)

7 CORRECTIONS REPORT

8 The following corrections have been made in the transcript:

9 * Page 15 line 9:

10 "The second case concerns the bodies buried at the KWORY " is corrected by "The
11 second case concerns the bodies buried at the quarry in So"

12 * Page 20 line 7:

13 "My question is would the Defence like to do it in closed session or in open session?
14 MR LIRISS: (Interpretation) In private session, your Honour " is corrected by "My
15 question is would the Defence like to do it in closed session or in open session? MR
16 LIRISS: (Interpretation) In closed session, your Honour"

17 * Page 23 lines 23 to 24:

18 "Thank you, sir. OCODEFAD is an NGO and let me explain it. Well, it stands for
19 organisation for the compassion and development " is corrected by "Thank you,
20 sir. OCODEFAD is an NGO. Let me explain. OCODEFAD stands for organisation
21 for the compensation and development of the family."

22 SECOND CORRECTIONS REPORT

23 The following corrections have been made in the transcript:

24 *Page 27 line 9

25 "Thank you, counsel. There was a time when I didn't have any money to feed my

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1 family with,...” is corrected by “Thank you, counsel, but the person in question is not
2 here. For there was a time when I didn't have any money to feed my family with,...

3 *Page 29 lines 22 to 23

4 “At that time, social affairs were led by someone else called Madam Bakala (phon).”

5 Is corrected

6 “At that time, the ministry of social affairs was led by someone else called Madam

7 N'dakala.

8 RECLASSIFICATION REPORT

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

10 ICC-01/05-01/08-3038 and the instructions in the emails dated 4 November 2013 and 9

11 September 2013, the version of the transcript with its redactions becomes Public