

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 Thursday, 27 January 2011

8 (The hearing starts in open session at 9.36 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. Could, please, the court officer call

14 the case.

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

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

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

18 PRESIDING JUDGE STEINER: Thank you very much. So good morning, everyone.

19 I welcome the Prosecution team, the legal representatives of victims, the

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

21 And we are going to proceed to continue today with the testimony of Witness 81, and

22 for that purpose I please ask the court officer to turn briefly into closed session in

23 order for the witness to be brought into the courtroom.

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

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

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Witness: CAR-OTP-PPPP-0081

(Open Session)

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- 1 (The witness enters the courtroom)
- 2 WITNESS: CAR-OTP-PPPP-0081 (On former oath)
- 3 (The witness speaks Sango)
- 4 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 5 (Open session at 9.40 a.m.)
- 6 THE COURT OFFICER: We are in open session, Madam President.
- 7 PRESIDING JUDGE STEINER: Thank you very much. Good morning, Madam
- 8 Witness.
- 9 THE WITNESS: (Interpretation) Good morning, your Honour.
- 10 PRESIDING JUDGE STEINER: Did you manage to sleep well and to rest a little bit?
- 11 THE WITNESS: (Interpretation) I was able to have a good rest.
- 12 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony
- 13 before this Court, Madam?
- 14 THE WITNESS: (Interpretation) I'm ready.
- 15 PRESIDING JUDGE STEINER: Thank you, Madam. The Chamber would like to
- 16 remind you that you are under protective measures, that your voice and your image
- 17 are being distorted in the broadcast outside the court. That means that outside the
- 18 court nobody can see your face or hear your voice, and cannot identify you. Do you
- 19 understand that, Madam?
- 20 THE WITNESS: (Interpretation) Yes, I do.
- 21 PRESIDING JUDGE STEINER: The Chamber also wants to remind you that you
- 22 should avoid in public session to mention names, mainly of your family members or
- 23 places that could lead to your identification or to the identification of your family
- 24 members. Do you understand that, Madam?
- 25 THE WITNESS: (No interpretation)

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- 1 PRESIDING JUDGE STEINER: Interpretation?
- 2 THE WITNESS: (Interpretation) I understand that, Madam.
- 3 PRESIDING JUDGE STEINER: Thank you. Finally, Madam Witness, we need to
- 4 remind you that you are still under oath, so the Chamber expects you to tell the truth,
- 5 nothing but the truth. Do you understand that, Madam?
- 6 THE WITNESS: (Interpretation) I understand.
- 7 PRESIDING JUDGE STEINER: So then we are going now to give the floor to
- 8 Mr Bifwoli, the representative of the Prosecutor, that will continue questioning you.
- 9 Mr Bifwoli.
- 10 MR BIFWOLI: Thank you, Madam President, your Honours.
- 11 QUESTIONED BY MR BIFWOLI: (Continuing)
- 12 Q. Good morning, Madam Witness.
- 13 A. Good day.
- 14 Q. Madam Witness, today we will proceed from where we left yesterday, and
- 15 today I will direct your attention to the events of October 2002 to March 2003; the
- 16 events that took place in your country, the Central African Republic. Do you recall
- 17 this period?
- 18 A. Yes, I do.
- 19 Q. Thank you. Was anything happening in your country during this period?
- 20 A. Yes, there was trouble.
- 21 Q. Can you please explain to the Court this trouble that was going on at that time?
- 22 A. Yes, I can.
- 23 Q. Please go ahead and explain to the Court.
- 24 A. Thank you. In the evening, while we were sleeping, we heard gunshots.
- 25 That's what happened.

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1 Q. And these gunshots, do you know who -- who was shooting?

2 A. No, I didn't know. On the following day, we were told that it was Bozizé's and
3 Patassé's men who were fighting.

4 Q. And apart from Bozizé and Patassé, was any other group involved in this
5 fighting?

6 A. The Libyans were the allies of Patassé's troops.

7 Q. Thank you. Apart from the Libyans, did Patassé have any other allies?

8 A. There were the green berets and some other red berets.

9 Q. These green berets and red berets came from which country?

10 A. They came from the Central African Republic.

11 Q. You've told the Court that the allies of Patassé were the Libyans, the green
12 berets and the red berets. Did he have any other allies?

13 A. At the time, there was no one else apart from the Libyans and the green berets.

14 Q. And what about later on?

15 A. Later there was an exchange of fire, or exchanges of fire.

16 Q. The exchange of fire was between who and who?

17 A. Fire was exchanged between the Libyans and Bozizé's red berets.

18 Q. Then what happened next?

19 A. Afterwards they fought, and on another day the Libyans attacked Bozizé's
20 troops at Sassara.

21 Q. Thank you, Witness. Then what followed next?

22 A. After that, there was a young man in the neighbourhood who called his mother
23 to inform her of an imminent attack and to tell her that she should not move.

24 Q. And were -- these Bozizé and Patassé's forces, were they ever based in your
25 neighbourhood?

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1 A. The red berets escorted Bozizé, but they were not based in the neighbourhood.

2 Q. And during this time was any armed group based in your neighbourhood?

3 A. No.

4 Q. And later on was any other armed group based in your neighbourhood?

5 A. No.

6 Q. Witness, I would like to draw your attention to this period of October 2002 to
7 March 2003. Did anything happen to you?

8 A. When the events unfolded, well, it was at the time that Bozizé fled to take
9 refuge in the bush. This is when everything happened.

10 Q. Please explain to the Court what happened.

11 A. When Bozizé went to the bush, well, he would come and go and come and go.

12 Q. Continue, Madam Witness.

13 A. He would come back and cause trouble and that's why Patassé asked the
14 Banyamulengue to come and assist him. * We heard about that, but we didn't know
15 which people, which soldiers ... which country they were from.

16 When Bozizé arrived, he arrived in Damara, in Bangui and then he would return
17 later. We found out that the Banyamulengue had arrived and that they were at the
18 river bank.

19 Q. And did you later on find out, or did you later on get to know, which country
20 the Banyamulengue came from?

21 A. I don't know. We found out that they had come from Zaire.

22 Q. Thank you, Witness. And did you find out who their leader was?

23 A. We learned that Bemba was their leader.

24 Q. And did anything happen to you?

25 A. Yes, something happened to me because they were supposed to come to help us.

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1 Unfortunately, when they arrived they started committing acts of violence against the
2 population.

3 Q. Thank you, Madam Witness. You have just said "they started committing acts
4 of violence against the population." Were you -- did they commit anything against
5 you?

6 A. As far as I am concerned, when they arrived they started looting our goods.
7 There was a second group that consisted of five men, four of whom had sexual
8 intercourse with me. The fifth one also wanted to have sexual intercourse with me.
9 During that time, I had menstruation so it wasn't possible -- or I was bleeding, so it
10 wasn't possible for them to do this.

11 Q. Thank you, Madam Witness. You've mentioned two things that the
12 Banyamulengue did. I want us to start with the first one. How many times, first of
13 all, did the Banyamulengue come to your home?

14 A. In the course of a day, well, they entered in the morning. The first group asked
15 us for money and nothing else, and then they entered the house to take our
16 belongings. The second group, however, came to look for women.

17 Q. Thank you, Madam Witness. Now I would like to draw your attention to the
18 first group. How many of them came to your home that day?

19 A. They came in the morning and we didn't have time to count them. They were
20 walking in file, in a row.

21 Q. Thank you, Madam Witness. And you have also just mentioned that they took
22 your goods. Can you tell the Court what items that they took from you?

23 A. They came into the house. They took a mattress, the suitcase of my child and
24 also the one that belonged to my husband. That is all that they took.

25 Q. And when the first group came to your house, were you with anyone in the

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1 house or alone?

2 A. I wasn't alone in the house; I was with my mother, my husband and my
3 brothers and sisters.

4 Q. Thank you, Witness. And this group, did they talk to any of you, any one of
5 you?

6 A. Are you talking about the first group or the second group?

7 Q. I'm talking about the first group and my question is: When they entered your
8 house and found you with your husband, mother and your sisters, did they talk to
9 you, anyone in your house?

10 A. They just asked for money. We told them that we didn't have any. They
11 came into the house and they took all our belongings and then they went away.

12 Q. In which language were they communicating with you?

13 A. They spoke to us in Lingala.

14 Q. And do you understand Lingala?

15 A. No, I don't, but they took a young man who was working for a Muslim person
16 and he was their guide. He was the one who played the role of interpreter.

17 Q. And this young man that they brought who was interpreting to you, do you
18 know which country he comes from?

19 A. He, too, was from Zaire. He came from the other side of the river.

20 Q. And, Witness, which languages does your husband speak?

21 A. My husband speaks French and Lingala.

22 Q. And this first group that came to your house, did they speak to your husband?

23 A. They asked them for money and he said -- correction. They asked him for
24 money and he responded saying that he didn't have any.

25 Q. And in which language were they communicating with him?

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1 A. They spoke to him in Lingala.

2 Q. And how did you know what your husband had spoken with this first group of
3 the Banyamulengue?

4 A. I didn't understand what they said; it was only after. I asked him and he
5 explained to me that they wanted money.

6 Q. Thank you, Witness. And you also talked about this young man who was
7 showing them and interpreting, this young man who came from Zaire. Do you
8 know where he was staying at the moment -- at that time?

9 A. He was in the same neighbourhood. He was living at the bottom of the hill.
10 He was renting a house in which he lived and he was working for various people.

11 Q. Thank you, Witness. And what kind of work was he doing?

12 A. He would cook for the Muslim people and he also would wash their clothes.

13 Q. Thank you, Madam Witness. A short while ago you said this first group took
14 items from your house. Do you know where they took these items?

15 A. They took all the belongings and they took a road that went down towards the
16 bottom of the neighbourhood.

17 Q. Thank you, Madam Witness. And how did they carry these items that they
18 took from your house?

19 A. They carried them on their heads or they would hold the belongings in their
20 arms or even they would carry them on their backs, as well.

21 Q. And this group, this first group that came to your house, when they arrived
22 were they carrying anything?

23 A. They were armed.

24 Q. Can you explain the kind of weapons they had?

25 A. They had Kalashnikovs and rockets.

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1 Q. Thank you, Madam Witness. You've said that they took items from your
2 house. Did you or your husband consent to them taking away these items?

3 A. We had no strength; they were armed. So as not to put our lives in danger, we
4 had to let them do whatever they wanted to do.

5 Q. And in this compound where your house is, are there other houses, as well?

6 A. There are houses that belong to the Muslim people who are our neighbours.
7 Their house is beside ours.

8 Q. And in your compound, you've talked about your house. What about your
9 other family members, where do they stay?

10 A. What happened to us is when some people -- some of them came to our house.
11 Some went in front of the other house and they went into the house to grab these
12 belongings.

13 Q. Thank you, Madam Witness. How many houses do you have in your
14 compound?

15 A. In all, there are three houses. There is my house, which my father built - my
16 mother and I were living in that - and father also built a house that belonged to his
17 wife, and the house of my mother is behind.

18 Q. Did the Banyamulengue take items from these other houses, as well?

19 A. Yes.

20 Q. Do you know whose items they took?

21 A. In the house of my father, they took various machines and his television set.

22 Q. And where did they take all these items that they took?

23 A. They went down with all these various items and they went down particularly
24 towards the road that goes to PK22.

25 Q. Thank you, Madam Witness. Now I would like to draw your attention to the

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1 second group of the Banyamulengue that came to your house on that same day. Do

2 you recall the number of Banyamulengue who came in the second group?

3 A. There were many, several of them. There were two leaders and three

4 bodyguards. Those were the ones who came in front of our house.

5 Q. And were they carrying anything when they arrived?

6 A. They had nothing on their heads. They were just armed.

7 Q. Thank you, Madam Witness. Can you explain the kind of weapons they had?

8 A. They had Kalashnikovs.

9 Q. And how many of them were armed with Kalashnikovs?

10 A. All five of them had weapons. All of them had this kind of weapon.

11 Q. Can you explain to the Court what they did to you when they entered your

12 house?

13 A. When they arrived, I was getting ready to prepare tea. When they arrived, my

14 husband took the baby. They said that they wanted a woman, and my husband said

15 that I was his wife and I had a baby, and they said that wasn't a problem. They said

16 they just wanted a woman, and I was a woman.

17 Q. Continue, Madam Witness. Then what happened next?

18 A. They said to him that I was the mother of children, and they said it wasn't their

19 problem and they continued to undress me. And then I was -- I was trying to

20 continue to prepare the tea. The one, the tallest one, the most tall and slender one,

21 he -- he forced me to take off my clothes. He was the first one to sleep with me.

22 THE INTERPRETER: Correction from the interpreter: The witness also said that

23 the person threatened her with his weapon.

24 MR BIFWOLI:

25 Q. Thank you, Madam Witness. You have just mentioned that he slept with you.

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1 Which part of your body did he sleep with?

2 A. He put his penis into my body, into the female part of my body.

3 Q. Thank you, Madam Witness. Does the female part of your body have a name?

4 A. In Sango, we say dondö.

5 THE INTERPRETER: And the Sango interpreter points out that this word means
6 "vagina."

7 MR BIFWOLI:

8 Q. Thank you. And that was the first one. What about -- sorry. My question is:
9 How many of them slept with you?

10 A. There were four of them, but -- there were five of them, but only four of them
11 slept with me. The fifth one also wanted to, but since I was bleeding he didn't
12 continue.

13 Q. Thank you, Madam Witness. Now, you've told the Court that the first one
14 who slept with you put his penis into your vagina. Is that what the other four did,
15 as well?

16 A. Yes, they did the same thing.

17 Q. Thank you, Madam Witness. While one was raping you, where was the
18 weapon of that particular Banyamulengue who was raping you?

19 A. He gave his weapon to one of the members of the group.

20 Q. Thank you, Madam Witness. And while one was raping you, where were the
21 other members of the group?

22 A. The others were there; they were helping with the rape.

23 THE INTERPRETER: Correction: They were present during the rape.

24 MR BIFWOLI:

25 Q. Thank you, Madam Witness. For how long did the Banyamulengue rape you?

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1 A. I don't know.

2 Q. Thank you. And did you consent to any of them?

3 A. I did not give my consent. I gave birth to a child one week before then, one
4 week before they raped me.

5 THE INTERPRETER: Correction: One -- it was one week after.

6 MR BIFWOLI:

7 Q. Thank you, Madam Witness. And I would like you to clarify. You've just said
8 you had given birth. Was it before they had raped you or after they had raped you?

9 A. I had already given birth. I had the baby when they slept with me.

10 Q. And did you tell them that you had recently given birth?

11 A. Since I didn't speak Lingala, but my husband told them that I had a baby, he
12 was -- the child had just been born.

13 Q. Thank you, Madam Witness. Did you sustain any injury as a result of the
14 rape?

15 A. Yes, of course. I had just given birth. They slept with me and I bled.

16 Q. Madam Witness, how did you feel while these Banyamulengue were raping
17 you?

18 A. My pelvis hurt after the injuries of giving birth because I just -- I was powerless.
19 I just had two hands on my head and they did what they wanted to do.

20 THE INTERPRETER: Correction: The two hands underneath the head.

21 MR BIFWOLI:

22 Q. And, Witness, you've also mentioned that they were communicating with your
23 husband. In which language were they communicating with your husband?

24 A. The ones who had come, they spoke French well, and when they came they
25 spoke to him in French.

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1 Q. And apart from French, did they also communicate with him in any other
2 language?

3 A. No, they spoke only in French.

4 Q. And this group that raped you, at that time where was your husband?

5 A. My husband was present. He had the baby in his hands. He was present.

6 Q. Could he have prevented them from raping you?

7 A. He spoke to them. They threatened him, so he remained silent.

8 Q. So during your rape, where exactly was he?

9 A. He was outside.

10 Q. Thank you, Madam Witness. Why was he outside?

11 A. Because they threatened him. They told him that if he tried anything they
12 would kill him, and he therefore had to remain outside and be present during the
13 event.

14 Q. Thank you, Madam Witness. How did they threaten him?

15 A. He spoke to them. They then replied and said they had nothing -- he had
16 nothing to do with what they were going to do, so he then went out and remained
17 outside.

18 Q. And, Madam Witness, in which language were these Banyamulengue
19 communicating amongst themselves?

20 A. They spoke to each other in Lingala.

21 Q. And do you know if anyone else in your family was raped?

22 A. Yes, some of my family members were raped.

23 Q. Who? Thank you, Madam Witness. I will repeat my question. You said -- a
24 short while ago you said some of your family members were raped, and without
25 mentioning names could you specify -- just maybe using relations, whether mother,

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1 sister or something like that, specify to the Court which members of your family were
2 raped?

3 A. Let's start with my father, my mother and my sisters.

4 Q. Thank you, Witness. Who raped them?

5 A. They were all raped by the Banyamulengue.

6 Q. And how did you know that they were raped by the Banyamulengue?

7 A. Because they had spread out in the neighbourhood, in the entire neighbourhood,
8 my husband tried to tell about what had happened. He tried to tell my father about
9 what had happened and my father said that the same thing had happened to them.

10 Q. Thank you, Madam Witness. I would like to remind you what Madam
11 President said when we started that, if you feel like you need a break, you let us
12 know. Do you think -- do you feel like you need a break now, or you would like us
13 to continue? It's okay if you feel like you need a break, we'll give you that. Do you
14 need a break, or we should continue?

15 A. We can continue.

16 Q. Thank you very much, Madam Witness, but any time you feel like you need a
17 break you just let us know and you shall get the break. And when were your family
18 members raped?

19 A. It was the very same day, a Sunday.

20 Q. And apart from your husband, who else was present in your house when the
21 second group of the Banyamulengue arrived?

22 A. There was my husband, my children, my brother (Redacted) and my (Redacted)
23 mother who was inside.

24 Q. And at the time you were being raped, where was your brother?

25 A. He was present. When they tried to beat me with their rifle butt, when he tried

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1 to resist they beat him.

2 Q. Thank you, Madam Witness. What did they use to beat your brother?

3 A. They had these batons, or rather utensils that soldiers use.

4 THE INTERPRETER: The interpreter didn't hear the witness's last phrase.

5 MR BIFWOLI:

6 Q. Thank you, Madam Witness. There was a slight problem in interpretation and
7 they are requesting that you repeat your answer again so that they can translate it.

8 A. I said that he tried to resist them. He didn't want them to rape me, so they
9 threw me down on the ground, they managed to overpower him and hit him.

10 Q. Thank you, Madam Witness. What did they use to hit him?

11 A. They had a cordon; a piece of rope.

12 THE INTERPRETER: Interpreter's correction: The witness previously said that
13 they threw her brother down on the ground, not the witness herself.

14 MR BIFWOLI:

15 Q. Thank you, Madam Witness. And at that time when you were being raped,
16 where exactly was your brother?

17 A. They were outside, next to my husband. He was outside, in fact, next to my
18 husband.

19 Q. Could your brother have prevented them from raping you?

20 A. Yes, he resisted. That's why he was beaten.

21 Q. And at the time you were being raped, where was your mother and children?

22 A. My children were next to their father outside. As far as my mother is
23 concerned, as I have said she was (Redacted) and was in the living room.

24 Q. Thank you, Madam Witness. A short while ago you mentioned that these
25 Banyamulengue committed acts of violence against the population. What acts of

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1 violence did they commit against the population?

2 A. When they arrived, they raped girls, they looted and they would beat the
3 people.

4 Q. Thank you, Madam Witness. And what do you mean when you say "they
5 raped"?

6 A. Well, they raped young girls. They had sexual intercourse with them. They
7 deprived them of their virginity.

8 Q. Thank you, Madam Witness. And where is your husband now?

9 A. After what happened to me, he took all my children. He said that he wanted
10 to go away and not return, and that's the situation to this very day. He wanted to go
11 to five kilometres away.

12 Q. And have you seen him since that time?

13 A. After he left, he never came back.

14 Q. Thank you, Madam Witness. Did your husband tell you the reason why he
15 left you?

16 A. He said nothing. He didn't provide me with a reason of any kind.

17 Q. Why do you think he left you?

18 A. I said it's because of the sexual intercourse the Banyamulengue had with me.
19 He thought that the Banyamulengue had sullied me.

20 Q. Thank you, Madam Witness. And when did your husband leave?

21 A. They raped me. Let's say if they raped me on one day, on the following day he
22 took the children and left with them.

23 Q. Thank you, Madam Witness. Madam Witness, do you know who was cooking
24 for the Banyamulengue in your neighbourhood?

25 A. When they arrived, after they had committed their acts of violence, they

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1 returned to sleep in our house and they obliged us to do the cooking. We had
2 practically become their slaves.

3 PRESIDING JUDGE STEINER: Maître Liriss.

4 MR LIRISS: (Interpretation) Your Honour, I believe that we cannot tolerate this.

5 Our colleague has to put questions that are not leading. He can put such a question,
6 I understand that, he can ask the witness what other sort of things could they do, but
7 he can't suggest that you did the cooking for them.

8 PRESIDING JUDGE STEINER: Maître, at least from the English transcript the
9 question is: "Do you know who was cooking for the Banyamulengue?" What is the
10 suggestion in the question? I did not understand, I'm sorry.

11 MR LIRISS: (Interpretation) Correct. I apologise, your Honour. I am not saying
12 that he said "Did the Banyamulengue cook for you," but by saying -- as I read
13 it -- well, I can't see it right now, I can't find it, "Who was cooking for the
14 Banyamulengue?" By phrasing the question in this way, it is being suggested to the
15 witness that the witness should say that the Banyamulengue -- we've all been through
16 the documents, but the suggestion is that the witness should say that the
17 Banyamulengue made them do the cooking. The question could have been phrased
18 differently. One could have asked what other sort of things did they do to you. If
19 you believe that this is not a leading question, if that's your opinion, well, it's because
20 I've already read the statements that I have this position. If someone can't remember
21 something, if a witness no longer wants to speak about a certain subject, one should
22 not suggest to the witness that this subject should be addressed. Thank you, your
23 Honour.

24 PRESIDING JUDGE STEINER: Maître Liriss, I don't think your objection proceeds.
25 I think the question was put whether the witness knows who was cooking. This is

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1 not a leading question and your objection is overruled. You can proceed, please.

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

3 Q. Madam Witness, what was happening, there was a slight legal issue which has
4 now been resolved by the Chamber and we will now proceed with the questions.
5 Now, slightly before the Defence objected you said that -- you said that they came
6 back to your house to sleep and they obliged you and others to do the cooking for
7 them. Now, my question is: Apart from you, who else cooked for the
8 Banyamulengue?

9 A. They had spread out throughout the neighbourhood. They weren't only in our
10 house but we did the cooking for the group that was in our house. Those who went
11 elsewhere, well, other people took care of them.

12 Q. Thank you, Madam Witness. In your answer at page 20, line 16, you also
13 stated that "We had practically become their slaves." Can you explain what you
14 mean by this?

15 A. What I wanted to say is that it was as if we were their slaves, their servants,
16 because we cooked for them and we served them, so it's in that sense that I said we
17 were their slaves.

18 Q. For how long did you cook for them and serve them?

19 A. They spent two weeks in Begoua and during that period of time, during the
20 entire period of time, we served them.

21 Q. Thank you, Madam Witness. In your answer you said that "We cooked for
22 them and we served them." Who do you refer to when you say "we"?

23 A. I did the cooking for them. My sisters, who were on the other side of the
24 house there, they also did cooking for them. That's why I said "we."

25 MR BIFWOLI: Thank you, Madam Witness, for your answer. Madam President,

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1 your Honours, I realise that we have less than five minutes. I would like to move on
2 to my next topic after the break.

3 PRESIDING JUDGE STEINER: Madam Witness, we are going to have a
4 half-an-hour break. You can take some rest. We are going to suspend this hearing
5 and at 11.30 we'll be back and the Prosecution will continue questioning you. I'm
6 ordering now the court officer to turn the session into closed in order for the witness
7 to be taken outside the Court. In the meantime we are suspending and we will
8 resume at 11.30. Court officer, please.

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

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

11 (The witness stands down)

12 THE COURT OFFICER: All rise.

13 (Recess taken at 10.59 a.m.)

14 *(Upon resuming in closed session at 11.40 a.m.) Reclassified as Open session

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

16 PRESIDING JUDGE STEINER: Thank you. The Chamber apologises for the delay
17 and immediately I ask, please, the court officer to bring in the witness.

18 (The witness enters the courtroom)

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

20 (Open session at 11.41 a.m.)

21 PRESIDING JUDGE STEINER: Welcome back, Madam Witness.

22 THE COURT OFFICER: I'm sorry, your Honours. We are in open session.

23 PRESIDING JUDGE STEINER: Welcome back, Madam Witness. Did you have the
24 opportunity to -- did you rest a little bit?

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

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1 PRESIDING JUDGE STEINER: Are you ready to continue being questioned by the
2 Prosecutor?

3 THE WITNESS: (Interpretation) Yes, I'm ready to continue.

4 PRESIDING JUDGE STEINER: Thank you. Mr Bifwoli.

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

6 Q. Good morning again, Madam Witness.

7 A. Good morning.

8 Q. Madam Witness, I just have a few questions, and just to clarify on what you
9 said in the morning, then we will proceed on to the next topic. And my question,
10 my first question is: Do you know the ranks of the Banyamulengue that raped you?

11 A. I know their names.

12 PRESIDING JUDGE STEINER: Mr Bifwoli, are you going to ask the witness to tell
13 the names?

14 MR BIFWOLI: Thank you, Madam President. I think these names can be named in a
15 public session.

16 PRESIDING JUDGE STEINER: I don't think so. So, court officer, please turn into
17 private session for a while.

18 *(Private session at 11.45 a.m.) Reclassified as Open session

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

20 MR BIFWOLI:

21 Q. Thank you, Madam Witness. We are now in private session, which means that
22 you are now free to mention the names. Can you please tell the Court the names of
23 the Banyamulengue who raped you?

24 A. Yes, I can do so.

25 Q. Please tell the Court the names.

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1 A. His name was (Redacted)

2 THE INTERPRETER: The Sango interpreter is saying that the witness is speaking
3 too quickly.

4 MR BIFWOLI:

5 Q. Thank you, Madam Witness. We have a slight problem in translation and the
6 interpreters are requesting that you speak a little bit slowly so that they can be able to
7 interpret. We all understand that it is a bit difficult, but just try to speak slowly to
8 allow the interpreters to interpret what you are saying into English. Do you
9 understand?

10 A. (Redacted)

11 Q. Thank you, Madam Witness. How did you know these names?

12 A. When they gathered at our place, I -- well, I saw -- I heard -- I learned those
13 names because they would address one another using those names.

14 Q. And did you know where they were staying?

15 A. The ones who left and then came back, they established their base (Redacted)
16 (Redacted)

17 Q. Thank you, Madam Witness. What about the ones who raped you, where
18 were they staying?

19 A. Those were the ones who left and then came back to set up their base at (Redacted)
20 (Redacted). That was their names and those are the names that I know them by.

21 MR BIFWOLI: Thank you, Madam Witness. Madam President, I think we can go
22 back into public session.

23 PRESIDING JUDGE STEINER: Court officer, please, let's go back into open session.
24 (Open session at 11.50 a.m.)

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

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1 MR BIFWOLI:

2 Q. Madam Witness, just before the break you were explaining to the Court that
3 you and your family members cooked for the Banyamulengue. My question is
4 could you, or could your family members, have refused to cook for them?

5 A. We were powerless because, if we tried to put up any resistance, they were
6 always trying to beat us.

7 Q. Thank you, Madam Witness. And did you take any action to avoid further
8 abuses by the Banyamulengue?

9 A. We did nothing in particular.

10 Q. Did you at any time leave your neighbourhood?

11 A. Yes. It was when they were trying to go to the front, because the rebels were
12 drawing near, and that is when they fell back, or withdrew from the neighbourhood.

13 Q. Thank you, Madam Witness. Did you and your family leave your
14 neighbourhood at any time after your rapes?

15 A. Yes, we left the house, but we came back the same day. Yes, we said to
16 ourselves others would come and do the same thing, so we were afraid to go away.

17 Q. And later on did you leave your neighbourhood?

18 A. No.

19 Q. When you left your neighbourhood and then returned, where did you go?

20 A. Are you talking about us, or the Banyamulengue?

21 Q. Thank you, Madam Witness. I'm talking about you and your family. After
22 you were raped, did you go anywhere?

23 A. We went to (Redacted).

24 Q. Who went to (Redacted) When you say "we," who are you referring to?

25 A. When I say "us," I'm referring to my brothers and sisters and my mother.

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1 Q. Thank you, Witness. And where were you staying at (Redacted)

2 A. No, we didn't spend the night there. We got there and they were behaving in
3 the same way with the people there, the same things as what they did to us, so we
4 didn't spend the night there.

5 Q. Thank you, Witness. You've mentioned that they were behaving -- doing the
6 same things the way they did to you. Who are you referring to?

7 A. To the girls of (Redacted) the old people, like that.

8 Q. Who was committing these abuses to these people of (Redacted)

9 A. The Banyamulengue.

10 Q. And what kind of abuses were they committing to the people of (Redacted)

11 A. They would rape girls underage, men, women; they looted; they stole animals;
12 and if people tried to put up resistance they would hit them.

13 Q. Thank you, Madam Witness. And what do you mean when you say "they
14 would rape"?

15 A. They would sleep with these people.

16 Q. Thank you, Madam Witness. They would sleep with them using which parts
17 of their body?

18 A. They would use their penis and they would put their penis in the vagina of the
19 women.

20 Q. Thank you, Madam Witness. Now, at (Redacted) apart from your family
21 members, did you meet any other people that you knew?

22 A. Yes, many others.

23 Q. Yes. Can you tell the Court who these people were?

24 A. There was some of our neighbours, as well as some of the people who were
25 living in our neighbourhood.

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1 Q. What were these people doing at (Redacted)

2 A. I don't understand your question. You're referring to the people who fled or
3 are you referring to the Banyamulengue?

4 Q. Thank you, Madam Witness, for your clarification. I'm referring to your
5 neighbours whom you met at (Redacted). My question is: Why you were there, at
6 (Redacted)

7 A. Because of cases of rape and looting. Unfortunately, the same acts of violence
8 were being committed over there.

9 Q. A short while ago you said that you could not stay at (Redacted) and you left.
10 Why did you leave (Redacted)

11 A. Because of the raping, because they would open fire, we were afraid and we
12 decided to return.

13 Q. Thank you, Madam Witness. Where did you return to?

14 A. We left (Redacted) and returned to PK12.

15 Q. Thank you, Madam Witness. Did the Banyamulengue who were based in your
16 neighbourhood, did they have a leader?

17 A. Yes, they had a leader.

18 Q. Do you know the name?

19 A. Yes.

20 Q. Thank you, Madam Witness. Did the leader of the Banyamulengue know the
21 crimes that they were committing against the civilian population in your
22 neighbourhood?

23 A. When they started committing these acts of violence, I couldn't say whether he
24 was aware of the fact or not. I don't know.

25 Q. Thank you, Madam Witness. Were the crimes committed against you and to

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1 your family punished by anyone?

2 A. No. Nothing was done.

3 Q. Thank you, Madam Witness. And did you report to anyone about the crimes
4 that were committed to you and to your family?

5 A. No, I didn't report these crimes to anyone.

6 Q. Thank you, Madam Witness. In the morning when you started giving your
7 testimony, you mentioned that there was trouble between Patassé and Bozizé. At
8 the time that the Banyamulengue were in your neighbourhood, where were Bozizé
9 rebels?

10 A. At that time they hadn't yet arrived or entered the neighbourhood.

11 Q. Thank you, Madam Witness. And at that time when the Banyamulengue were
12 in control of your neighbourhood, where were Patassé soldiers?

13 A. After the attack carried out by the Libyans and when Bozizé reached the border,
14 Patassé's troops weren't sufficiently numerous, which is why he requested
15 Banyamulengue assistance.

16 Q. Thank you, Madam Witness. During the period that the Banyamulengue were
17 in your neighbourhood, during that period, were there other troops also present
18 apart from the Banyamulengue?

19 A. No. Only the Banyamulengue were there.

20 Q. Thank you, Madam Witness. And how were these Banyamulengue dressed?

21 A. They were wearing the same uniforms as the soldiers from our country.

22 Q. Thank you, Madam Witness. In the morning you mentioned Mr Jean-Pierre
23 Bemba as the leader of the Banyamulengue. Did you ever see him at any given
24 time?

25 A. I saw him when the Banyamulengue had committed many acts of violence and

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1 they went to a Muslim's place. They wanted to loot his belongings. When he
2 resisted, they shot him in the leg.

3 Q. Thank you, Madam Witness. Where did you see Mr Jean-Pierre Bemba?

4 A. When we were driving the young man to hospital, the chef de groupe had a flag
5 with him and they tried to take the child, the boy, to hospital. They met Abdoulaye
6 Miskine and introduced the boy to him and told Abdoulaye Miskine about the
7 problem they had. He calmed them down. He told them that he should convey
8 this to their chef and the chef should come and deal with the situation, solve the
9 situation or, in any event, come and speak to these men.

10 Q. Thank you, Madam Witness, for those details. Did Mr -- did the chef
11 eventually come, the chef of the Banyamulengue, did he eventually come to deal with
12 the situation?

13 A. Yes. On that day he came by helicopter. He landed at the school in Begoua
14 and they called all the Banyamulengue and asked them to gather at the Begoua
15 school so that he could address them.

16 Q. Thank you, Madam Witness. Who called the Banyamulengue so that they
17 could be addressed by Mr Jean-Pierre Bemba?

18 JUDGE ALUOCH: Mr Bifwoli, excuse me. I'm sorry to interrupt. I just want to
19 try -- I'm sorry, Madam Witness. Sorry. I think it's not quite clear and I don't want
20 to lose it. It's from line 11, where it says, "When we were driving the young man to
21 the hospital, the chef de groupe had a flag with him and they tried to take that child."
22 I just want to know whether the witness was in that group who was taking the child
23 to the hospital so we can put that evidence into context. Please. Sorry.

24 THE WITNESS: (Interpretation) Yes, I was behind and they were in front.
25 Because I was afraid, I was walking slowly until I reached of the checkpoint.

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1 MR BIFWOLI: Thank you, your Honour.

2 Q. And thank you, Madam Witness, for clarifying. My last question was: Who
3 called the Banyamulengue to come and meet Mr Jean-Pierre Bemba?

4 A. It was their leader who called to them. They ran through the neighbourhood
5 and gathered at the Begoua school in order to meet their leader there.

6 Q. Thank you, Madam Witness, for those details. How did Mr Jean-Pierre Bemba
7 arrive at the school?

8 A. When we arrived, he had already arrived in a helicopter and the
9 Banyamulengue assembled. He addressed them. I also saw him and, having
10 addressed them, he left in his helicopter again. Only later did Miskine address the
11 people.

12 MR BIFWOLI: Thank you, Madam Witness, for those details. Madam President,
13 your Honours, I ask for a minute to confer. Thank you.
14 (Prosecution counsel confer)

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

16 Q. Madam Witness, for how long was Bemba at the school?

17 A. I no longer remember how much time he spent there. He had already left and
18 I came later on. When I arrived, he had already left.

19 Q. Thank you, Madam Witness. Madam Witness, are you a member of any
20 victims' organisation?

21 A. I haven't really understood your question.

22 Q. Thank you, Madam Witness. Does the name OCODEFAD mean anything to
23 you?

24 A. OCODEFAD is an organisation that takes care of victims.

25 Q. Thank you, Madam Witness. Are you a member of this organisation?

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1 A. Yes, I'm a member.

2 MR BIFWOLI: Thank you. Madam President, your Honours, in that case I'll ask
3 for a private session for the next set of questions.

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

5 *(Private session at 12.19 a.m.) Reclassified as Open session

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

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

8 Q. Madam Witness, what are the aims and objectives of OCODEFAD; do you
9 know?

10 A. No, I don't, but what I do know is that it's because of everything that had
11 happened to us that Mama Sayo founded this organisation and this has also involved
12 the ICC.

13 Q. Thank you, Madam Witness. Do you hold any position of responsibility in
14 OCODEFAD?

15 A. I'm just an ordinary member. I don't have a position of responsibility there.

16 Q. Did you receive any support or assistance from OCODEFAD?

17 A. No, I haven't received any aid, but from time to time we would be called so that
18 we could be provided with rice and many other things.

19 Q. Thank you, Madam Witness, for those details. Were there any conditions from
20 OCODEFAD in order to provide you with that support, the rice and other things
21 you've talked about?

22 PRESIDING JUDGE STEINER: Witness, please. Madam. Madam. Madam
23 Witness. Mr Haynes?

24 MR HAYNES: We were just wondering why we're in private session for these
25 questions. This is nothing that compromises the witness's identity, and we're talking

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1 about public figures and public bodies.

2 PRESIDING JUDGE STEINER: Is there intention to disclose any identifying feature
3 in relation to the witness and her relation with OCODEFAD, Mr Bifwoli?

4 MR BIFWOLI: Thank you, Madam President. If I recall well, yesterday the
5 Chamber ruled that when dealing with these OCODEFAD issues we should go into
6 private session and, additionally, she's a member and she's going to be identified of
7 being as such if we go into public session.

8 PRESIDING JUDGE STEINER: Mr Bifwoli, as far as I remember, yesterday we
9 started in open session talking about OCODEFAD and personal information about
10 the function exercised by the witness in OCODEFAD could be seen as identifying. It
11 appears to me that membership is not really an identifying feature. Mr Haynes, you
12 want to add, to say something?

13 MR HAYNES: Well, she did identify herself as a member in open session, in any
14 event. That was the question before Mr Bifwoli asked for a private session. So the
15 answer identifying her as a member was given in open session, in any event.

16 PRESIDING JUDGE STEINER: I agree with the Defence, that the membership itself
17 is not an identifying feature. OCODEFAD probably has dozens or hundreds of
18 members, which is completely different from the situation of yesterday's witness.

19 MR BIFWOLI: Thank you, Madam President. In that case, we'll go with what the
20 Chamber has stated and go back into open session for the next set of questions.

21 PRESIDING JUDGE STEINER: Yes. I just remind you, if there is any personal
22 identifying information you'll let us know in advance.

23 Court officer, please turn back into open session.

24 (Open session at 12.24 a.m.)

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

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

2 Q. Madam Witness, were there any conditions from OCODEFAD in order to
3 provide you with the support you just mentioned?

4 A. No, I don't know. As there were many of us, sometimes the organisation
5 would send a bus to transport us so that the person responsible could speak to us and
6 then the bus would take us back home.

7 Q. Thank you, Madam Witness. Did you tell your story to OCODEFAD?

8 A. Yes. When we went there, we all spoke about the acts of violence that we had
9 been subjected to and all this was taken down in writing.

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

11 A. Yes, this organisation did give us some advice. When questions were put to us,
12 some of us were ashamed to speak about what had happened. We were told that
13 these were difficult events to live through, but they encouraged us to speak about
14 these events because one day it would be possible for justice to be done.

15 MR BIFWOLI: Thank you, Madam President, your Honours. I would like now to
16 move to impact evidence and the first few questions the witness will be talking about
17 her health and medical condition. We are of the view that the first few questions
18 maybe could be in private session.

19 PRESIDING JUDGE STEINER: Court officer, please let's turn into private session
20 for a while.

21 *(Private session at 12.29 p.m.) Reclassified as Open session

22 PRESIDING JUDGE STEINER: Madam Witness.

23 THE COURT OFFICER: We are in private session, your Honour.

24 PRESIDING JUDGE STEINER: Madam Witness, we are now again in private
25 session so you can feel free to answer the questions because the public cannot hear

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1 your answers. Do you understand that?

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

3 MR BIFWOLI:

4 Q. Madam Witness, in your testimony today you said that after the rape you were
5 bleeding. Are you currently suffering from anything that was caused by the said
6 rape?

7 A. Yes, I am still suffering from the consequences of the rape. Ever since that time
8 I have not been able to get good treatment and so I still continue to suffer. I suffer
9 from trouble in my abdomen up until the present time.

10 Q. Thank you, Madam Witness. And after the rape, do you have any children
11 after that?

12 A. No, I have not been able to.

13 Q. Can you explain to the Court why?

14 A. I couldn't tell you. I suppose that that rape caused damage within my
15 abdomen, my belly. I talked about that to the big lady in the locality and
16 she -- correction, the ladies. They gave me medication to treat, but -- treat the
17 problem, but up until now I have not been able to get pregnant. I have problems.

18 MR BIFWOLI: Thank you, Madam Witness. Madam President, your Honours, I
19 think we can go back into open session.

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

22 (Open session at 12.32 p.m.)

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

24 MR BIFWOLI:

25 Q. Thank you, Madam Witness. You have explained to us how the incident of

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1 rape affected you. In addition to what you've just explained, has this incident of
2 your rape affected you in any other way?

3 A. Yes, for example I have problems with my belly and I'm getting traditional
4 treatment, but the results have not been good. I don't have the money to get
5 treatment from an appropriate doctor. I just don't have that money. I have no one
6 to help me so that I can get this treatment.

7 Q. Thank you, Madam President (sic). And how are you viewed by the public
8 after the rape?

9 A. After those events, we were ostracised. The young boys would insult us, point
10 us out, and I had to take refuge in (Redacted) and sometimes I go back to Bangui to
11 visit my father and sometimes after that I would go back to (Redacted).

12 Q. Thank you, Madam Witness. What would these young boys who pointed at
13 you say?

14 A. Yes, when we would go by they would point at us. They would say, "You, you
15 let the Banyamulengue sleep with you and we don't want to have sex with you any
16 more."

17 Q. Thank you, Madam Witness. Has the rape of your mother, father and other
18 family members affected you in any way?

19 A. Yes, I am suffering the consequences of the rape. Before, I was fine. I could
20 get money, food to eat, I was fine, but now I am suffering. I have problems. I can't
21 sell goods any more. Even if I could find a partner, he wouldn't want me because I
22 can't have children.

23 Q. Thank you, Madam Witness. What about your family members? Have they
24 been affected by the rapes they underwent?

25 A. Yes, they too are suffering from the consequences of the rapes, but I can't talk

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1 about that for a long period of time. What I could tell you is -- I can tell you what
2 has to do with me personally.

3 Q. Thank you, Madam Witness. And did the Banyamulengue return the things
4 that they took from you and your family?

5 A. No, no, they took those things for good.

6 Q. Thank you. Were you ever compensated for your rape and items taken from
7 you by the Banyamulengue?

8 A. Absolutely no compensation.

9 Q. Thank you, Madam Witness. I'll take you back a bit, at page 36, lines 21 to 25,
10 and page 37, line 1, where you mentioned that OCODEFAD gave some advice to you
11 because victims were ashamed to speak. My question is what kind of advice did
12 OCODEFAD give to you to dispel this shame?

13 A. OCODEFAD advised us to keep our cool, so to speak, even when people made
14 fun of us, but that we shouldn't be ashamed because of the mocking, the rapes. All
15 these things were public knowledge, that we had been raped, and some of us were
16 ashamed, so that was the kind of advice that was given to us.

17 MR BIFWOLI: Thank you, Madam Witness. Madam President, your Honours.

18 PRESIDING JUDGE STEINER: I apologise, Mr Bifwoli. Could you repeat your last
19 intervention, please.

20 MR BIFWOLI: Thank you, Madam President, your Honours. I would like now to
21 go to a private session to elicit the names that the witness has talked about in her
22 testimony.

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

24 *(Private session at 12.42 p.m.) Reclassified as Open session

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

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

2 Q. Madam Witness, I would like now to direct attention to the names of the people
3 you talked about in -- earlier on in your testimony. Earlier on you mentioned that
4 the first group of the Banyamulengue that came to your house and took things were
5 escorted, or being guided, by someone who came from Zaire. Can you tell the Court
6 the name of this person?

7 A. Yes, I can do so.

8 Q. Please tell the Court the name of this person.

9 A. That person's name is (Redacted)

10 Q. Thank you, Madam Witness. You also mentioned in your testimony that your
11 mother was raped. Can you tell the Court the name of your mother who was raped?

12 A. Her name is (Redacted)

13 Q. Thank you, Madam Witness. You also mentioned that your sisters were raped.
14 Please tell the Court the names of your sisters who were raped.

15 A. (Redacted)

16 Q. Are there others?

17 A. Yes, there were the boys, the little ones who were in the house.

18 Q. Thank you, Madam Witness. You also mentioned that during your rape your
19 brother was beaten. Can you tell the Court the name of your brother who was
20 beaten?

21 A. Sir, his name is (Redacted)

22 Q. Thank you, Madam Witness. You also mentioned in your evidence about your
23 mother who died. Can you tell the Court the name of your mother who died?

24 A. Are you talking about my mother who was ill? Which one are you talking
25 about, please?

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1 Q. Thank you, Madam Witness; that's the one I'm talking about. Can you tell the
2 Court her name?

3 A. Her name is (Redacted)

4 Q. Thank you, Madam Witness. You also mentioned that your husband went
5 away with your children. Can you please tell the Court the names of your children?

6 A. (Redacted) If the Sango interpreter heard correctly.

7 Q. Thank you, Madam Witness. Also on page 28, lines 1 to 25, and page 29, lines
8 1 to 8, you mentioned -- you talked about the victims of rape and pillaging in PK22.
9 Can you give the Court the names of those victims?

10 A. I don't know their names, other than Mrs Sayo. When we were in the group,
11 we learned that they raped Mrs Sayo. They killed her husband. As for the other
12 names, I couldn't tell you.

13 Q. Thank you, Madam Witness. In your evidence, at page 29, line 18, you
14 mentioned that the Banyamulengue had a leader in your neighbourhood. Please tell
15 the Court the name of this leader of the Banyamulengue.

16 A. His name is (Redacted)

17 Q. Thank you, Madam Witness. At page 31 of today's transcript, line 6, you said
18 that the Banyamulengue went to Muslim's place, that they wanted to loot the
19 belongings. When he resisted they shot him in the leg. Do you know the name of
20 this Muslim who was shot in the leg?

21 A. Sir, his name was (Redacted) (phon).

22 Q. Thank you, Madam Witness. The Prosecution would like to thank you very
23 much for cooperating with us and with the Court, and this brings us to the end of the
24 Prosecution questioning for this witness. Thank you.

25 PRESIDING JUDGE STEINER: Thank you, Mr Bifwoli. We'll have to suspend

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1 soon but before returning to open session and suspend this first part of the session, I
2 would like to put a couple of questions to the witness.
3 You answer if you know the answer, of course. If you don't know, there is no
4 problem. At the time of the facts, November 2002, how old were you?
5 THE WITNESS: (Interpretation) I was 17 years of age.
6 PRESIDING JUDGE STEINER: Thank you. And your sister (Redacted)
7 THE WITNESS: (Interpretation) At that time she was 13.
8 PRESIDING JUDGE STEINER: Thank you. And your sister (Redacted)
9 THE WITNESS: (Interpretation) I don't know her age.
10 PRESIDING JUDGE STEINER: Was she older than you or younger than you?
11 THE WITNESS: (Interpretation) She is older than me.
12 PRESIDING JUDGE STEINER: Thank you very much. We can first turn into open
13 session, please.
14 (Open session at 12.53 p.m.)
15 THE COURT OFFICER: We are in open session, Madam President.
16 PRESIDING JUDGE STEINER: Thank you very much. Madam Witness, we are
17 now going to suspend this hearing in order for you to have lunch and to have some
18 rest. The Prosecution has finished your questioning. When we come back at 2.30
19 the legal representatives of victims, Maître Douzima and Maître Zarambaud, will put
20 some questions to you. And if we still have time the Defence will start its
21 questioning. So we are suspending the hearing now, in order for you to take some
22 rest and to be prepared for the continuation of this hearing.
23 We are going, court officer, please, into closed session in order for the witness to be
24 taken out of the courtroom. In the meantime we are going to suspend and we will
25 resume at 2.30 in the afternoon.

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- 1 *(Closed session at 12.56 p.m.) Reclassified as Open session
- 2 THE COURT OFFICER: We are in closed session, Madam President.
- 3 (The witness stands down)
- 4 THE COURT OFFICER: All rise.
- 5 (Luncheon recess taken at 12.56 p.m.)
- 6 *(Upon resuming in closed session at 2.34 p.m.) Reclassified as Open session
- 7 THE COURT USHER: All rise. Please be seated.
- 8 PRESIDING JUDGE STEINER: Good afternoon. Please, court officer, let's bring the
- 9 witness back into the courtroom.
- 10 (The witness enters the courtroom)
- 11 PRESIDING JUDGE STEINER: Let's turn again into open session, please.
- 12 (Open session at 2.36 p.m.)
- 13 THE COURT OFFICER: We are in open session, Madam President.
- 14 PRESIDING JUDGE STEINER: Good afternoon, Madam Witness.
- 15 THE WITNESS: (Interpretation) Good afternoon, your Honour.
- 16 PRESIDING JUDGE STEINER: Did you manage to rest a little bit during the lunch
- 17 break?
- 18 THE WITNESS: (Interpretation) Yes, I was able to rest.
- 19 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony
- 20 before this Chamber?
- 21 THE WITNESS: (Interpretation) Yes, I'm ready.
- 22 PRESIDING JUDGE STEINER: Thank you, Madam. The Chamber would like to
- 23 remind you that at any time if you feel tired, distressed or for any reason you need to
- 24 take a break, please just let us know and you will have as many breaks as you need.
- 25 Do you understand that, Madam?

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

2 PRESIDING JUDGE STEINER: Thank you very much. Now, the legal
3 representatives of victims are going to put to you some questions starting with Maître
4 Zarambaud.

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

6 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

7 Q. I'd also like to wish the witness a very good afternoon. Witness, I submitted
8 several questions to the Court to be put to you, but I think that the Prosecutor of the
9 Republic asked most of the questions and you have answered them precisely and
10 concisely. As such, I shall not ask some of the questions. I shall, therefore, go
11 directly to my third question, because the first concerning the number of members of
12 your family in whose presence you were raped, the first question was put by the
13 Prosecutor and you answered that.
14 The second question, too, which was basically whether your father also had been
15 sexually raped and you've answered that. The third question concerns your mother
16 and you have also answered that, so I won't go on to the third question. I'll go to the
17 fourth question, in fact.

18 The question is as follows: You stated that after raping you the Banyamulengue
19 stayed for two weeks at your house and forced you by considering you as a servant
20 and making you a slave to cook for them. My question is, during these two weeks
21 did the Banyamulengue continue to rape you?

22 THE INTERPRETER: The Sango interpreter did not hear the answer of the witness.

23 PRESIDING JUDGE STEINER: Madam Witness, could you please repeat your
24 answer.

25 THE WITNESS: (Interpretation) I said, "No."

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1 MR ZARAMBAUD: (Interpretation)

2 Q. Thank you. The fifth question concerns the arrival of Mr Jean-Pierre Bemba.

3 Did you see his helicopter arrive?

4 A. I didn't see his helicopter when he landed. He did that before I arrived at the
5 site.

6 Q. Thank you. How was Mr Jean-Pierre Bemba dressed?

7 A. On that day he was dressed in military uniform.

8 Q. Thank you. Did you see him leave? Did he leave by helicopter or did he
9 leave by car?

10 A. He left by helicopter.

11 Q. With regard to his departure, were you also able to see the helicopter?

12 A. Yes, I saw it.

13 Q. What was the colour of that helicopter?

14 A. The colour was the same as the military uniform.

15 Q. Thank you, Witness. Was Jean-Pierre Bemba accompanied by certain figures,
16 political or military figures, from the Central African Republic, such as the prime
17 minister, the national defence minister, the Chief of Staff, or by generals from the
18 Central African Army, the F.A.C.A., the FACA?

19 A. No.

20 Q. In your statement you stated that when there was a report on the abuses that
21 were committed by the Banyamulengue to Miskine, he said that he would report that
22 to Jean-Pierre Bemba. Did you have the impression that Mr Abdoulaye Miskine had
23 authority to do that, or that he could only just report that to Jean-Pierre Bemba?

24 A. On that day Miskine was next to Patassé, and that's how he was able to know
25 Jean-Pierre Bemba and he was able to go and meet him.

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1 Q. Thank you. After you say that the abuses were reported to Jean-Pierre Bemba,
2 the abuses that were committed, were -- to your knowledge, were sanctions taken
3 against those responsible for them and, in particular, against the five people who
4 raped you and whose names you gave?

5 A. Nothing was done. No sanction was taken.

6 Q. Thank you, Witness, for your conciseness once again. My last question is as
7 follows: While the population of PK12 were undergoing all these abuses and
8 atrocities, did you see the presence of Central African authorities to stop these
9 atrocities, or at least to try and control these Banyamulengue?

10 A. They didn't do anything.

11 MR ZARAMBAUD: (Interpretation) Thank you. Thank you, your Honour, for
12 having given me leave to speak before the Court. Thank you, Witness, for
13 answering my questions. I have now finished.

14 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud. I think Judge
15 Aluoch has a follow-up question before we give the floor to Maître Douzima.

16 JUDGE ALUOCH: Thank you. I have a follow-up question on the arrival of
17 Mr Bemba, and I will just read out what you were asked by the investigators. They
18 asked you, Madam Witness, "Do you know what Mr Bemba said to the troops?"
19 That was the question, and your answer was, "He talked to the Banyamulengue in
20 Lingala, but I could not understand. Afterwards" -- I'm reading -- okay, this is in the
21 English translation. It's CAR-OTP-002892 -- sorry, 0028-0295, page 28 of 34 in the
22 English translation. This was your answer: "He talked to the Banyamulengue in
23 Lingala, but I could not understand. Afterwards, Bemba talked to the people around
24 him in French. He said ..." This is the sentence I am interested in, this is from your
25 statement, "He said, 'If they go to your place and do anything to you, take out what

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1 you have at home and defend yourselves."

2 Now, what I want to ask you is, according to you, how did you understand that
3 statement which you said Mr Bemba uttered? How did you understand it? What
4 did it mean to you, what I've just read out? I hope you understood the question.
5 Are you able to --

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

7 JUDGE ALUOCH: Are you able to answer it?

8 THE WITNESS: (Interpretation) Yes, I can answer your question.

9 JUDGE ALUOCH: Thank you. Then I hope that you'll please answer.

10 THE WITNESS: (Interpretation) I would say the following: I didn't say that I
11 listened to Jean-Pierre Bemba himself, no, but it was the chef de groupe who gave us
12 this information and he said that all the boys who had traditional weapons, spears
13 and other such like, sarget (phon), they should use such weapons to defend
14 themselves. That's what the leader of the Banyamulengue said and this is what the
15 chef de groupe reported and what I also understood.

16 JUDGE ALUOCH: Thank you.

17 PRESIDING JUDGE STEINER: Maître Douzima.

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

19 QUESTIONED BY MS DOUZIMA-LAWSON: (Interpretation)

20 Q. Good afternoon, Witness.

21 A. Thank you. Good afternoon, Madam.

22 Q. I am called Maria Douzima-Lawson. I am a lawyer. I am a representative,
23 the legal representative of victims in these proceedings, as is Counsel Zarambaud
24 who has just asked you questions. Our role is to represent victims who have been
25 admitted to participate in these proceedings, to represent their views, their concerns,

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1 to the Court, and that is why we asked to be able to put questions to you - you are
2 also a victim - in order to shed light on matters for the Court. Have you understood
3 what I said?

4 A. Yes, I understand.

5 Q. My first question relates to the two groups of soldiers whose presence you
6 referred to in your statements during the investigation, and the reference is
7 *CAR-OTP-0034-0884 and page 11 thereof. You stated that the soldiers of Patassé
8 were Libyans, those of Bozizé were Sassara, while the Libyans were at the residence
9 of President Patassé. Could you tell us where -- or, where was the residence of
10 President Patassé?

11 A. The residence of Mr Patassé is near to the stadium.

12 Q. And where is the stadium with regards to the town centre of Bangui?

13 A. It is near the university.

14 Q. Thank you. You also stated, and the reference to this is your statement to the
15 investigators, OTP-0034-0086 and page 13 thereof in French, "What I know is that
16 Bozizé fled and he came and left. He caused problems here." This is testimony that
17 you've also taken up again this morning. This can be found in the transcript in
18 real-time, page 7, line 14 and line 17. In line 14 you stated the following: "When
19 Bozizé left into or went into the bush, he came, he went, he came and he went again,"
20 which confirms what you said to the investigators. And in line 17 you stated, "He
21 came back and he caused trouble." My question is: What do you mean by that?
22 "He came, he left again. He came alone." He came where? And what problems,
23 what trouble did he cause? He caused these problems and trouble for whom?
24 Did you not understand me?

25 A. I did understand your question, but the microphone turned off. The events

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1 happened this way: Saying that they created trouble, I'm not talking about them
2 breaking items. The problem was they established -- he established his base in
3 Sassara and he would come and he would go. It was in relation to that that I said
4 that he created trouble.

5 Q. Did he come alone, or would he come with other people?

6 A. The Chadians were with him.

7 Q. Witness, I will repeat my question. In your opinion, why did Bozizé and his
8 troops come and go? What was their goal, or purpose?

9 A. They would come and they would go. They were people who made us
10 understand that they wanted to take power, but I understood nothing about his
11 strategy.

12 Q. Thank you very much. Now, to return to the events that occurred when the
13 Banyamulengue invaded your home, you mentioned a young man this morning and
14 you were asked the name of this young man. He was sort of a guide of some kind
15 for the Banyamulengue, and you said his name was (Redacted) and that you said in
16 your statement during the investigation that he was (Redacted). I'd like to know
17 was he also wearing the uniforms of the Banyamulengue, and did he also have a
18 weapon with him?

19 A. He had nothing in his hand. He was wearing civilian clothing and he was
20 working for the Muslims.

21 Q. Thank you. I would like to refer to this morning's transcript, page 13, lines 1
22 and 2. You said that the items that they took from you and the belongings of other
23 people as well, that they would go -- that they went down with all these various items
24 towards the road, the PK12 road. In your opinion, why did they take that road; the
25 road that goes to PK12?

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1 THE INTERPRETER: Correction, the road to PK22 with all these items.

2 THE WITNESS: (Interpretation) They took the PK22 road because they were
3 moving ahead. Others were at advanced positions and so they chose a house and
4 they invaded that house and they took possession of it. It became their own house,
5 so to speak.

6 MS DOUZIMA-LAWSON: (Interpretation)

7 Q. Thank you. You mentioned two groups, a first group that came that looted
8 goods, and I would like to know whether this first group of people who looted, was
9 there a leader amongst them?

10 A. I really couldn't say. There were many of them, so it would be
11 difficult -- rather difficult to distinguish a leader amongst them.

12 Q. I would also like to refer to this morning's transcript again, page 15 in French,
13 lines 20 and 21. You stated that -- you said that you had given birth a week previous
14 when the Banyamulengue came and raped you. Could you tell us what date you
15 gave birth on?

16 A. I don't remember the date.

17 Q. That is not a problem. You said - and I make reference to this morning's
18 transcript, page 17 - that your husband tried to speak to the Banyamulengue, the ones
19 who were raping you, and they threatened him. Could you tell us what he said to
20 them exactly? What did he say that led them to threatening him and putting him
21 outside?

22 A. He said to them, "Look, she just gave birth. Look at her child." They
23 threatened him and said if he tried or if he kept on opposing them, they would do the
24 same thing to him and that is why he went out.

25 Q. Thank you. At page 34 and page 35 of the transcript, you spoke about the

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1 arrival of Mr Jean-Pierre Bemba, his arrival in Begoua aboard a helicopter. How did
2 you know that this person who was arriving in a helicopter was indeed
3 Mr Jean-Pierre Bemba?

4 A. The fact that the Banyamulengue were called, and since their leaders
5 were -- their leaders were speaking, we saw and we also followed to find out more, to
6 go see him.

7 Q. Indeed. You said that Mr Bemba spoke to his troops in Lingala. You don't
8 understand Lingala, but after you found out what Mr Jean-Pierre Bemba said to his
9 troops, was it after you made enquiries?

10 A. I didn't ask anyone. I just heard the statement made by the chief of the group.

11 Q. What did the chef de groupe say?

12 A. When I approached him he was telling the young people that he instructed the
13 men, because the Banyamulengue were afraid of arrows. Each person was supposed
14 to take measures. If someone knocked at the door, people should get -- should be
15 prepared like men. And in the evening that was announced and all the young -- so
16 all the young men made preparations.

17 Q. But after the leader, Mr Bemba, visited, did the abuse and did the violence
18 committed by the Banyamulengue stop?

19 A. It stopped.

20 Q. Did it stop completely?

21 A. In our area, in our neighbourhood, it stopped, so because the people, when they
22 tried to do anything, the people would come out with machetes and other weapons,
23 so they no longer bothered them.

24 Q. You also stated that the Banyamulengue forced you to cook for them. Was it
25 the Banyamulengue who procured you, who forced you, to prepare food for them?

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1 A. *Yes, when they were given their rations, they would bring them and they
2 would ask us to cook for them.

3 Q. Did they still have their weapons with them at that particular point in time?

4 A. They were always armed.

5 Q. I would like to move on to another topic. I would like to know, did you flee to
6 PK -- well, when did you flee to PK22 and when did you come back to PK12?

7 A. The day they committed these crimes we were frightened; we thought they
8 might come back and do the same thing. So, with my mother and my sisters we
9 went to PK22. Once we got there, the same violence, the same abuse and crimes
10 were committed. In the evening we decided it would be better to go back home.

11 Q. Was it after your return to PK12 that the Banyamulengue began forcing you to
12 cook for them?

13 A. Yes, it was when we had come back. They came back and started to dig
14 trenches. They took our kitchen utensils and asked us to cook for them.

15 Q. When you realised that your husband had abandoned you, you said -- and I'll
16 give the reference, CAR-OTP-0034-0632, and I'm referring to the statement taken
17 during the investigation. What were your feelings?

18 A. First of all, I thought that the pain that I had was fleeting, but after that it
19 worsened and it was due to an infection. So I didn't feel well at all.

20 Q. Witness, I'm sorry, I believe I didn't express myself properly. As for the pain
21 that you felt after your rape, you have already spoken about that in depth. My
22 question is: You explained that your husband took the children and he gave you to
23 believe that he was going to Kilometre 5 to do some errands, I believe, and then he
24 never came back. That is what you thought -- correction, that is when you realised
25 he had abandoned you with the baby.

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1 I would like to know what was the effect on you? I'm not talking about pain that
2 you experienced about the rape, but the fact that you realised that because of what
3 had happened to you your husband abandoned you. What did that -- what was the
4 effect of that on you?

5 A. I did not feel well at all. He left with the children, because since they took all
6 the children's -- he took all the children's clothing, I thought maybe he was going to
7 buy some clothing. I haven't seen my children again, not up until this day, and
8 when I think about that I do not feel well at all.

9 Q. I'm sorry that I am asking you this question and I realise this is painful, but this
10 question was really intended to assess the scope of the harm that you suffered
11 because of everything that happened to you. It is normal that the Court hear of such
12 things.

13 To conclude, I have a series of questions. I would like to know whether you
14 remained in (Redacted) because of the fact in Begoua, in 2002, after the events you
15 were ostracised? Today, in the year 2010 -- 2011, correction, did you decide to
16 continue to remain in (Redacted)

17 A. I went back to Bangui.

18 MS DOUZIMA-LAWSON: (Interpretation) Thank you, Madam Witness, for
19 answering my questions. Your Honour, I have concluded my questioning.

20 PRESIDING JUDGE STEINER: Madam Witness, would you like to have a break?

21 THE WITNESS: (Interpretation) My teeth are really hurting. I am trying to
22 answer your questions.

23 PRESIDING JUDGE STEINER: Madam Witness, the Chamber was informed by
24 VWU that you are having tooth pain and that they gave you painkillers and that,
25 because of that, you could ask for a break or even to stop your testimony today.

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1 Would you prefer to stop it now to take care of your tooth pain or do you feel you are
2 ready to continue? It's your choice, Madam.

3 THE WITNESS: (Interpretation) For the time being, it doesn't hurt all that much.
4 We can keep on going.

5 PRESIDING JUDGE STEINER: Well, let us know in case you want to stop, please.
6 No matter if it is because of your tooth pain, or for any other reason, whenever you
7 want to stop we will stop.

8 THE WITNESS: (Interpretation) It hurts, but I can bear it. We can keep on going.

9 PRESIDING JUDGE STEINER: Thank you, Madam. Would the Defence like to
10 start questioning the witness today?

11 MR HAYNES: We had anticipated starting today. I rather thought there would
12 have been more time left. We can do something today, but we are in the Court's
13 hands. If the witness is in any discomfort, then we fully understand.

14 PRESIDING JUDGE STEINER: The witness says that she can proceed. Maybe we
15 can go in a softer way.

16 MR HAYNES: Yes. I'll probably try and pick one topic that will end some time
17 between half-past-3 and 4 o'clock, if that is all right with you?

18 PRESIDING JUDGE STEINER: Yes. Madam Witness, now the Defence counsel
19 will start putting to you some questions and, once again, I say that if you want to stop
20 let us know. Is that fine with you?

21 THE WITNESS: (Interpretation) Yes, we can keep on going.

22 PRESIDING JUDGE STEINER: Mr Haynes, you have the floor QUESTIONED BY

23 MR HAYNES:

24 Q. Well, good afternoon, Madam Witness. My name is Peter Haynes. Did your
25 hear my introduction?

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1 A. Yes, I have understood. I have heard.

2 Q. Good. I'm probably going to ask you questions just about one topic this
3 afternoon, but before I go on to that I'd just like to clear up something that you were
4 talking to one of the judges about; namely, what happened on the occasion when you
5 say Mr Bemba came to PK12. And so that we all understand it - not for your benefit,
6 but for ours - I think we need to have a look at what you said in your interview and
7 it's Defence document number 2. I can give the long number if necessary, but it's
8 page 2, line 6.

9 THE COURT OFFICER: Document CAR-OTP-0028-0296_R02 is available on your
10 screens and is marked as confidential.

11 MR HAYNES: Thank you very much.

12 Q. Now, do you remember a few minutes ago you were talking to Judge Aluoch,
13 who is on the left as you look at the Bench, about a conversation you had with the
14 chef de groupe? Do you remember that?

15 A. Yes, I remember. That's what the authority of the country said and I, too,
16 heard it like everyone else.

17 Q. Yes, it's just a question of what the source of your information was. And after
18 the passage that Judge Aluoch read to you, this is what you were asked. Listen
19 carefully. You were asked: "You just mentioned what Bemba said, 'If they go to
20 your place and do anything to you, take out what you have at home and defend
21 yourselves.' Did you hear this sentence from Bemba or Miskine?" And you replied,
22 "I heard it from Miskine." And you were asked, "Do you know which country is
23 Miskine from?" And you said, "It is said that he is from Chad; he is Sara."
24 Now, was that correct what you told the interviewer at that section of your interview?

25 A. Yes, it was true.

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1 Q. And did you get the information directly from Mr Miskine or from the chef de
2 groupe who had heard it from Miskine?

3 A. I don't represent the authority. When Bemba landed, I didn't say that he had
4 spoken, but -- and I listened, but when Miskine and the chef de groupe spoke, they
5 spoke. I didn't hear what Bemba said. It was the chef de groupe who reported that
6 to us.

7 Q. Thank you. But what he reported to you was what Mr Miskine had said and
8 not what Mr Bemba had said; is that right?

9 A. Bemba spoke, Miskine listened, and he told it to the chef de groupe and the chef
10 de groupe reported it to us.

11 Q. Thank you. Well, we will come back to that a little later on, but I want to try
12 and deal with something this afternoon and it's something you've already been asked
13 about and that's Mrs Sayo. Do you know what her first name is?

14 A. I don't know.

15 Q. Well, isn't it Bernadette?

16 A. I don't know. I called her "Madam Sayo," "Madam Sayo." I don't know her
17 surname -- I mean her first name.

18 Q. Okay, well, I'll accept that. You called her Madam Sayo, did you, when you
19 met her?

20 A. Since PK22 we called her by the name of her husband, and when she was
21 leading this NGO, she was called Madam Sayo.

22 Q. What's an NGO?

23 A. The NGO is an organisation. In this organisation, people come together to do
24 something and to build up the organisation at the same time.

25 Q. What position did you understand Madam Sayo to have in the government of

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1 Mr Bozizé?

2 A. I couldn't tell you. Currently, well, I have heard that she is a minister.

3 Q. And what role did she have in the NGO?

4 A. She was responsible for victims.

5 Q. Did you in truth regard the NGO as being an organisation of Mr Bozizé's
6 government, given that a minister was responsible for its organisation?

7 THE INTERPRETER: The speakers may have overlapped. The interpreter heard
8 no answer.

9 MR HAYNES:

10 Q. I wonder, Madam Witness, whether you could repeat your last answer so that it
11 could be interpreted for us.

12 A. I can't know that. I know that I was a victim of a situation and that's the reason
13 why I joined this organisation. Is it supervised by Mr Bozizé? That's something I
14 can't know.

15 Q. I asked this before. I don't think you answered it. Have you met Madam
16 Sayo?

17 A. Yes. Well, she was the person responsible for the NGO, so we went to the
18 headquarters which was in the Fatima neighbourhood.

19 Q. Have you met her more than once?

20 A. After the events, we saw her on three occasions. We went in a group. I didn't
21 want to meet her regularly because I was also carrying out my trade.

22 Q. When was the last time you saw her?

23 A. It dates from a long time. It was the time when the NGO was set up. It was
24 at that time that I met her.

25 Q. Perhaps the question was badly phrased by me. When was the most recent

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1 time that you have met her?

2 A. I already said that I can't remember the date.

3 Q. What about other members of your family? Have they met with her?

4 A. There was an appeal launched to all victims to go there.

5 Q. And when you talk about groups going to meet her, groups of what going to
6 meet her?

7 A. It was a group of all victims from different neighbourhoods, from PK12, PK22,
8 Fou.

9 Q. And you said that you didn't want to go very often, or words to that effect.
10 How often could you have gone to these groups?

11 A. I already told you, I went there three times. On the fourth time, I didn't go
12 there because I was carrying out my commercial activities.

13 Q. Now, you told us earlier when you were giving evidence that you had heard
14 Mrs or Madam Sayo's own story. When did you hear that?

15 A. I didn't understand the question that was put.

16 Q. Well, you know what happened to Madam Sayo and her family at PK22, don't
17 you? How did you come to find out what happened to Madam Sayo and her
18 family?

19 A. I said that what we -- after what we underwent at PK12, we took refuge in PK22,
20 but when we went there the Banyamulengue had taken over the whole area and they
21 were committing the same atrocities. People told us that the daughters of Madam
22 Sayo had been raped, and when her husband wanted to intervene, he was killed, and
23 then we decided to come back.

24 Q. Very well. Well, we'll come back to that, but just to clear up something else
25 you said, how was it that appeals were made for people to come to these groups?

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1 On the radio? On television? How?

2 A. Those responsible for the organisation existed. The heads of the organisation
3 had telephone numbers, Madam Sayo had such a number, and if there was going to
4 be a meeting, everybody was called and everybody came by bus.

5 Q. Thank you. I want to ask you about one particular meeting. Do you know
6 where (Redacted) is?

7 A. No. No, I don't know it.

8 Q. I'll put the question another way. Did you attend a meeting at which the Chief
9 Prosecutor of the ICC was present?

10 A. No.

11 MR HAYNES: Can we go into private session, please, Madam President, just for a
12 couple of questions?

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

14 *(Private session at 3.44 p.m.) Reclassified as Open session

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

16 MR HAYNES:

17 Q. Madam Witness, about six months ago were you aware of (Redacted)
18 (Redacted)

19 A. Yes, I know.

20 Q. Do you know what the purpose of the (Redacted)
21 (Redacted)

22 A. I don't know the reason. The events -- after the events that we experienced we
23 decided to go with the father, and at a particular time he withdrew from the group
24 and at a particular time (Redacted)
25 (Redacted)

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1 (Redacted)

2 Q. I don't want there to be any misunderstanding about that. Are you saying

3 (Redacted)

4 A. He came back and told me that (Redacted)

5 (Redacted) He didn't tell me about his (Redacted). Perhaps

6 he was afraid of telling me. If that was the case, I don't know.

7 Q. Well, you've almost guessed my next question, which was: How did your
8 father feel about this whole episode?

9 A. I'm not God, so I can't know what he's thinking. I don't know what to say.

10 Q. Well, tell us --

11 PRESIDING JUDGE STEINER: Mr Haynes, I think it's reasonable. (Redacted)

12 (Redacted) why are you asking what she thinks (Redacted) was

13 feeling? I think it's becoming maybe too confused for the witness.

14 MR HAYNES: Yes.

15 Q. But what did you think about it; what (Redacted)

16 (Redacted) What did you think about it?

17 PRESIDING JUDGE STEINER: Ms Kneuer?

18 MS KNEUER: Thank you, Madam President. I think my learned colleague is

19 slightly misquoting the witness because the witness did not say that (Redacted)

20 (Redacted) at least that is not what the record reflects.

21 MR HAYNES: Well, it's simple enough to rephrase.

22 Q. How did you feel when your father told you what had happened to him?

23 A. How did I feel? Well, I thought, well, he's lost goods, he has suffered things,

24 (Redacted)

25 (Redacted) He could go as far as was necessary to speak about

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1 what he had lost and what he had experienced.

2 MR HAYNES: Thank you. Madam President, if that is a convenient moment I will
3 stop there.

4 PRESIDING JUDGE STEINER: Court officer, please, let's turn back to open session.
5 (Open session at 3.50 p.m.)

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

7 PRESIDING JUDGE STEINER: Madam Witness, thank you very much for coming
8 here today in spite of your tooth pain. We are going to suspend the hearing for
9 today. You will have time to take some rest. If you need any assistance from
10 Victims and Witnesses Unit in relation to your toothache, you just ask. We hope you
11 can rest during the night and we'll be back tomorrow morning when we will start at
12 9.30 in the morning -- sorry. Sorry, 11.30 in the morning, so you will have more time
13 to take a rest, and we wish you a nice evening and a good night.

14 We are going now into closed session in order for the witness to be taken outside the
15 courtroom and, in the meantime, we are going to adjourn and we will resume
16 tomorrow at 11.30. I thank very much for the Prosecution team, legal
17 representatives of victims, Defence team, Mr Jean-Pierre Bemba Gombo. I thank
18 very, very much to our interpreters and court reporters and then ask to go right now
19 into closed session and the hearing is adjourned.

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

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

22 (The witness stands down)

23 THE COURT OFFICER: All rise.

24 (The hearing ends at 3.54 p.m.)

25 CORRECTIONS REPORT

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1 The following corrections have been made in the transcript by the Court

2 Interpretation and Translation Section:

3 * Page 5 line 14 to 15:

4 "We must have -- we must have heard about that, but we didn't know from which
5 country they were, these orders were " is corrected by "We heard about that, but we
6 didn't know which people, which soldiers ... which country they were from"

7 * Page 46 line 1 to 2:

8 "Yes, when we gave them their rations, they would bring them and they would ask
9 us to cook for them " is corrected by "Yes, when they were given their rations, they
10 would bring them and they would ask us to cook for them"

11 SECOND CORRECTIONS REPORT

12 The following corrections have been made in the transcript by the Court

13 Interpretation and Translation Section:

14 * Page 21 line 10:

15 (Redacted) is corrected by (Redacted)

16 * Page 35 line 21:

17 " his name was (Redacted) is corrected by " his name was (Redacted)

18 * Page 42 line 7:

19 " CAR-OTP-0034-00884 " is corrected by "CAR-OTP-0034-0884 "

20 RECLASSIFICATION REPORT

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

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

23 version of the transcript with its redactions becomes Public.