

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Situation: Central African Republic

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

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

6 Judge Kuniko Ozaki

7 Trial Hearing

8 Monday, 31 January 2011

9 (The hearing starts in open session at 2.33 p.m.)

10 THE COURT USHER: All rise. The International Criminal Court is now in session.

11 Please be seated.

12 THE COURT OFFICER: Good afternoon, your Honours, Madam President. We are

13 in open session.

14 PRESIDING JUDGE STEINER: Good afternoon. Could, please, the court officer

15 call the case.

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

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

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

19 PRESIDING JUDGE STEINER: Thank you very much. I welcome the Prosecution

20 team, Ms Kneuer is back, the legal representatives of victims, the Defence team,

21 Mr Jean-Pierre Bemba Gombo. Good afternoon, our interpreters and court reporters.

22 We will continue this afternoon with questioning of Witness 81 and for that purpose I

23 please ask the court officer to go very briefly to closed session in order for the witness

24 to be brought into the courtroom.

25 \*(Closed session at 2.35 p.m.) Reclassified as Open session

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- 1 THE COURT OFFICER: We are in closed session, Madam President.
- 2 (The witness enters the courtroom)
- 3 WITNESS: CAR-OTP-WWWW-0081 (On former oath)
- 4 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 5 (Open session at 2.37 p.m.)
- 6 THE COURT OFFICER: We are in open session, Madam President.
- 7 PRESIDING JUDGE STEINER: Thank you. Good afternoon, Madam Witness.
- 8 THE WITNESS: (Interpretation) Good afternoon, your Honour.
- 9 PRESIDING JUDGE STEINER: Did you have a nice weekend?
- 10 THE WITNESS: (Interpretation) Yes, I had a good rest.
- 11 PRESIDING JUDGE STEINER: Are you prepared to continue giving your testimony
- 12 before this Court, Madam?
- 13 THE WITNESS: (Interpretation) Yes, I'm ready.
- 14 PRESIDING JUDGE STEINER: Madam Witness, I would like to remind you that
- 15 you are under protective measures, that your voice and your image are being
- 16 distorted to the broadcast outside the courtroom. Nobody can identify you by your
- 17 face or by your voice. I also wanted to remind you that you should avoid
- 18 mentioning names, mainly of your family members, friends or neighbours, in order to
- 19 avoid your identification or the identification of your family members. Do you
- 20 understand that, Madam?
- 21 THE WITNESS: (Interpretation) I understand that well, your Honour.
- 22 PRESIDING JUDGE STEINER: I also need to remind you, Madam, that you are still
- 23 under oath. Do you understand that?
- 24 THE WITNESS: (Interpretation) Yes, I understand.
- 25 PRESIDING JUDGE STEINER: And finally, Madam, at any time if you feel tired or

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1 distressed, or you need a break for any reason, you just inform the Bench and you will

2 have as many breaks as you need. If you are ready, I'm now --

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

4 PRESIDING JUDGE STEINER: Thank you. Now, I'm giving the floor to the

5 Defence, Mr Haynes, that will continue questioning you. Mr Haynes, you have the  
6 floor.

7 MR HAYNES: Thank you, Madam President.

8 QUESTIONED BY MR HAYNES: (Continuing)

9 Q. Well, welcome back, Madam Witness.

10 A. Good afternoon.

11 Q. We have about an hour and a quarter and I am going to do my very best to try  
12 and make sure you don't have to come back tomorrow, so if you will do your best to  
13 listen to the questions and answer them as concisely as you can we should be able to  
14 achieve that together. Do you understand?

15 A. Yes, I have understood that.

16 Q. Now, do you remember on Friday afternoon when we finished we were talking  
17 about your going to PK22?

18 A. Yes, I remember.

19 Q. And can you tell us how many members of your family went to PK22?

20 A. It was the -- us, the girls, the children and our mother.

21 Q. Is that your mother the (Redacted)

22 A. No, I'm not talking about that one.

23 Q. But did she go too?

24 A. She didn't go.

25 Q. Thank you. And to the best of your recollection, at about what time of day did

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1 you start your journey?

2 A. I don't remember the time we went to PK22.

3 Q. Was it in daylight or after dark?

4 A. It wasn't the evening.

5 Q. And how did you travel?

6 A. We went on foot, slowly.

7 Q. Now, PK22 is ten kilometres from PK12. How long did it take you to walk that  
8 distance, the group of you?

9 A. I didn't time how long it took. We spoke to each other on the journey. We  
10 weren't able to time it.

11 Q. Well, was it dark when you got there?

12 A. No. No, it wasn't dark. I said that the distance wasn't very far.

13 Q. And what is at PK22? Is it is a town?

14 A. It's a locality.

15 Q. Is it as big as PK12?

16 A. No.

17 Q. And what did you do when you got there?

18 A. We went to the school. A lot of people were already there. There were  
19 already a lot of people at that school. Our neighbours, in fact, were also within the  
20 school then.

21 Q. And how long did you stay there?

22 A. I didn't time that either to have a clear idea as to how long we were there for.

23 Q. Can you not give us an approximate amount of time? Was it some hours, or  
24 just a few minutes?

25 A. I have no idea of the time. I can't tell anything that would be a lie here.

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1 Q. Was there any fighting going on at PK22 when you got there?

2 A. When we arrived, the Banyamulengue were shooting. They were  
3 continuing -- they continued firing in the neighbourhood.

4 Q. At that time did it appear to you that they were having a battle with some other  
5 forces?

6 A. We just heard the gunshots, gunfire, in different neighbourhoods, but we didn't  
7 go up to the arena of such clashes to have a clear idea of what was going on.

8 Q. Okay. And understand me, I know that you're not a soldier, but did it seem to  
9 you that there were clashes going on?

10 A. They were shooting. People were fleeing from all sides, and those who were  
11 fleeing were telling us, "They're shooting to scare people so that they can pillage their  
12 goods." That's what people told us, but I can't say any more than that.

13 Q. Now, was it during the time that you were at PK22 that somebody told you  
14 about Madam Sayo?

15 A. Yes, it was at that time.

16 Q. And at that time did you know who she was, Madam Sayo?

17 A. At that time I didn't know her personally, but I had already heard people speak  
18 of her.

19 Q. When?

20 A. I heard people speak of her there in PK22, but I didn't see her physically to be  
21 able to identify her, nor to recognise her.

22 Q. So that day was the first day you'd heard her name mentioned; is that right?

23 A. Yes, it was the first time. We didn't usually go to PK22. We went there  
24 because of the events.

25 Q. Why was somebody telling you at PK22 about what had happened to somebody

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1 you'd never heard of before?

2 A. There were a lot of people there, a lot of people. People spoke about these  
3 matters. We met a lot of people; people who we knew from before who were there.  
4 People were speaking to each other and that's how we heard about her.

5 Q. So you must have been there for quite a long time?

6 A. But of course. We arrived there. We had just had enough. We'd been  
7 walking for a long time. Our legs were tired and we just basically sat down and  
8 listened to what those people were saying around us.

9 Q. Right. So you'd been walking for a long time and you stayed in PK22 for a  
10 long time. What time was it when you decided to leave PK22?

11 A. We left PK22 at around 4 o'clock.

12 Q. Did all of you leave PK22, or did some of you stay there?

13 A. We all went. We took that path, or took the path back, in the company of other  
14 persons.

15 Q. And why is it you remember the time 4 o'clock?

16 A. But it was around sunset, and where we live it's around that time and that's  
17 why I said it was around 4 o'clock, because that's the time when you normally have  
18 sunset.

19 Q. And what time was it when you got back to your home?

20 A. We arrived at night, because on the way back we were walking slowly; very  
21 slowly.

22 Q. And did you walk along the main Damara road from PK12 to PK22?

23 A. Yes, it was Damara road which went through PK22.

24 Q. And did you take the same route back?

25 A. Yes, it's the same road. It's the same road that you can take to get back to our

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1 home.

2 Q. And what did you see on the road either going there, or coming back?

3 A. When we went we didn't see anything on the road, and when we arrived there  
4 we saw a massive crowd. We were seated and started to speak to the people and  
5 listen to what had happened. There were people who had had -- they were with  
6 their parents. We didn't have any family there. We were staying at the school, and  
7 it was at the school that we -- from the school that we took the path home.

8 Q. And on the way back did you see anything on the road then?

9 A. I didn't see anything on the way. There were lots of us. We were walking in  
10 a group and we had to take the direction of our -- of our home.

11 Q. Very well. Now, I want to ask you now about the soldiers in front of the house.  
12 When did they first come?

13 A. It was a Saturday. It had rained at night. They arrived the next day, in the  
14 morning.

15 Q. I apologise, my question was a bad one. I meant to ask you about the soldiers  
16 for whom you did the cooking. When was it that they first came?

17 A. I don't remember the date on which they came back for the first time, when they  
18 spent -- or they dug trenches to spend the night. I can't remember that date.

19 Q. And the trench, was that in front of your house?

20 A. They dug that trench by the door, just where the door was. It was aligned with  
21 it.

22 Q. And during the day did they occupy the trench in front of your house?

23 A. Yes, they would spend the night in the trench and during the day they would  
24 spend their time in trenches. After a while, they would go out to have a look at what  
25 was happening and then they would return to the trenches.

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1 Q. And some days, or every day, they would bring you their rations and you  
2 would cook them meals from that food and take it out to them; is that correct?

3 A. It was every day. It was as if we were providing them rations of food. We  
4 would give them shasha fish sometimes; sometimes beef and rice. This was done on  
5 a daily basis.

6 JUDGE ALUOCH: Excuse me, Mr Haynes, can you just find out who was bringing  
7 the food that they were cooking?

8 MR HAYNES:

9 Q. Where did the food come from that you were cooking?

10 A. I don't know where it came from. I only saw provisions arriving in bags, but I  
11 wasn't in a position to know where these provisions were coming from.

12 Q. But did the soldiers bring the food to you for you to cook?

13 A. The soldiers who were based at our house, they were the ones who would bring  
14 in these bags full of fish, or rice, or cassava. They are the ones who would bring  
15 these provisions in so that we could prepare the food for them.

16 MR HAYNES: Is there any further clarification that the Bench would like? Thank  
17 you.

18 Q. Now, when you cooked this food, did you take it out to the men in the trench?

19 A. They weren't very far away from us. It wasn't necessary to go far. We'd  
20 provide them with cooked food. We were there together. They would take this  
21 food.

22 Q. And when you did that, did other people in the neighbourhood see you doing it;  
23 for example, your father?

24 A. As I have said, those who were in front of our door were different from those  
25 who were in front of the door of my father's house, or the door of my mother's

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1 co-wife, the other wife, and it was the same with regard to -- the situation was the  
2 same with regard to everyone else in the neighbourhood.

3 Q. But the soldiers never entered your house, did they; the ones in the trench?

4 A. No, after that they didn't enter the houses again. They had everything with  
5 them outside and when we did various sorts of work for them it was outside the  
6 house.

7 Q. And if anybody thought you were sleeping with any of these soldiers, they were  
8 quite wrong, weren't they?

9 A. As far as I'm concerned it's the day on which they arrived to rape me but  
10 afterwards, I'm not going to lie about this, afterwards, they no longer touched me.

11 Q. Now, just so that we're clear, did you eat the same food that you cooked for  
12 them?

13 A. No, we didn't eat the same food that they ate.

14 Q. Did you ever eat with them?

15 A. No, that never happened.

16 Q. Were you ever given anything other than food to cook for them; for example,  
17 money?

18 A. Nothing at all. Our father told us not to take anything they would give us, not  
19 to touch anything and that means that we only prepared their food for them and we  
20 gave it to them and that's it.

21 JUDGE ALUOCH: Mr Haynes, just one minute. Madam Witness, as you prepared  
22 this food and gave it to these soldiers, was there any communication between you  
23 and them at all and, if so, in what language?

24 THE WITNESS: (Interpretation) They spoke Lingala amongst themselves, but it  
25 was the leader who spoke in French. I understood a bit of French, so I would take

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1 the instructions from them and I would prepare the food.

2 MR HAYNES:

3 Q. Was it during the time that you were preparing food for these men that you  
4 learned their names?

5 A. Yes. Since they arrived there and they spent the night in front of the house,  
6 well, they spoke to each other and as a result I was able to know who was who.

7 Q. In what language did they speak to each other such that you were able to learn  
8 who was who?

9 A. When they arrived, and before they raped me, I saw their faces. When they  
10 returned they dug the trenches, and when they addressed each other they used code  
11 names and that's how I was able to know.

12 Q. Well, that wasn't really the question I asked you. I asked you what language  
13 they talked to one another that enabled you to learn their names?

14 A. They spoke in Lingala.

15 Q. Well, at this point I want to have a look at something you said nearly three years  
16 ago when you were interviewed by the Prosecutor. It's document 2 on the Defence  
17 list of documents and we'll have to start at page 0287 and then go over to 288. The  
18 French version, for counsel for the victims, is CAR-OTP-0034, first page 0612 at page  
19 0629.

20 PRESIDING JUDGE STEINER: Confidential I suppose, Mr Haynes?

21 MR HAYNES: Your Honour, yes.

22 THE COURT OFFICER: Document CAR-OTP-0028-0268\_R02 at page 0287 is  
23 available on your screens, is marked as confidential and it bears reference  
24 EVD-T-OTP-00019.

25 MR HAYNES:

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- 1 Q. Now, Madam Witness, I am going to read this out to you very slowly, so listen  
2 very carefully because this is quite important. You were asked: "When did the  
3 Banyamulenge oblige you to prepare food for them?" And you answered, "It was  
4 about a week after their arrival. They had already their base." "For how long did  
5 they ask you to cook for them?" "They spent two weeks at PK12 before moving  
6 ahead." "On how many occasions did they ask you to cook for them?" "Every day."  
7 "Every day for how long?" "They spent two weeks." "When did they arrive at your  
8 house and oblige you to prepare food for them - during what time of the day?"  
9 "They came with all their stuff and settled in front of the door. We were sleeping  
10 inside the house and they slept outside." Which moment of the day did they arrive  
11 to ask you to cook for them - in the morning, in the afternoon, in the evening?"  
12 Answer: "The morning." "How many of them obliged you to cook for them?"  
13 And can we please go over to page 288 in the English. "They were in group. I did  
14 not count them." "Were among this group any Banyamulenge that you had met  
15 before?" Answer: "No." Is that correct?  
16 A. Yes, that's the truth, but you don't understand some of my answers.  
17 Q. Well, is it true that the Banyamulenge that arrived at your door and asked you  
18 to cook for them, you had not met before?  
19 A. What do you mean I didn't meet them before? I said they had come before  
20 they committed these acts of violence, stayed there. Others returned. They had  
21 spread out throughout the neighbourhood. So those who returned to our place  
22 because we had kitchen utensils, they asked us to prepare food for them. I never  
23 said that it's not -- I never said that I hadn't seen them before.  
24 THE INTERPRETER: If the interpreter in the Sango booth has understood the  
25 witness correctly.

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1 MR HAYNES:

2 Q. Because if you hadn't met them before, you couldn't have learned the names of  
3 your attackers during the days after the attack, could you, because they were different  
4 people?

5 JUDGE ALUOCH: Mr Haynes, maybe you want to make that question a bit simpler,  
6 please.

7 MR HAYNES: Thank you.

8 Q. Did you say in your interview that the men who came and obliged you to cook  
9 for them, you had not met before?

10 A. Perhaps it's been noted down incorrectly. I said I had met them and that the  
11 same people returned and they obliged us to prepare food for them.

12 Q. So it's a mistake of the interviewer, or the translator, of the interview? Is that  
13 your answer?

14 A. I wouldn't know. What I do know is that these are the individuals who arrived  
15 at our place. They then committed their acts of violence, and then they left and they  
16 returned to ask us to prepare food. I can't tell lies.

17 Q. How many other of your sisters were doing the same thing as you; in other  
18 words, cooking food for soldiers outside?

19 A. The one who was in the big house was there behind the house, my younger  
20 sister was also there, and I was alone in my own house.

21 MR HAYNES: I can't think of a way of doing this without going into private session  
22 for a question, so can we go into private session, please, for one question.

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

24 \*(Private session at 3.21 p.m.) Reclassified as Open session

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

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1 MR HAYNES: Thank you very much.

2 Q. What were the names of your other sisters who were cooking for soldiers?

3 A. (Redacted) was there, (Redacted) as well, (Redacted) was also there and there  
4 was (Redacted) too. (Redacted) was also there -- or, rather (Redacted) were also  
5 there.

6 Q. And was it those girls and only those girls who cooked for the soldiers?

7 A. There were a lot of girls. They're no longer there today. Each one has gone  
8 her own way. I can't remember all those who were there.

9 MR HAYNES: Very well. I think we can go back into open session.

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

11 (Open session at 3.23 p.m.)

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

13 PRESIDING JUDGE STEINER: Madam -- sorry, Mr Haynes. Madam Witness, we  
14 are now in public session again. Please don't mention any names any more.

15 MR HAYNES:

16 Q. How many people did you tell of your attack?

17 A. Who could I -- who could I have told this to? I only spoke about it to my  
18 family members. I spoke about what had happened to us to them. When we spoke  
19 about this, well, some boys knew about all of this and that is why they would mock  
20 us.

21 Q. You see, that's what I want to ask you, which is, if you didn't tell anybody about  
22 it, how did you get a local reputation as a Banyamulengue wife?

23 A. In Bangui, there are no secrets. Even if things happen at night, everyone  
24 would find out about these things in the daytime.

25 Q. Was it because it was known that you were preparing food for these men that

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1 you got that reputation?

2 A. What happened to us happened in our home. I don't know how everyone  
3 knew about it. Do boys speak about the matter amongst themselves? I don't know.  
4 Is it because we moved around and they found out about all of this? I really don't  
5 know.

6 Q. But people thought that if you were cooking for these soldiers, you must have  
7 been doing something else as well, but they were wrong. Isn't that how you got the  
8 reputation?

9 A. They knew about our rape, and when we prepared food for those soldiers, well,  
10 they also were aware of what had happened.

11 Q. Did you ever complain to anyone in authority about what happened to you?

12 A. No, I didn't.

13 Q. Why not?

14 A. I know nothing about the administration. Who could I have gone to? To  
15 whom could I have complained in order to obtain assistance?

16 Q. Well, how about your father?

17 A. He is the adult. He was the adult. I should have asked him about this, but I  
18 didn't and I really know nothing about what subsequently happened to him. We  
19 were all there and we simply watched.

20 Q. Well, I might have to come back to that because I'm not sure I understand your  
21 answer, but did you tell your father the names of the men who you say had raped  
22 you?

23 A. I spoke to him about this enough.

24 Q. Did you tell him the names?

25 A. After all of that I told him all the names, but he didn't remember them as I do.

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1 Q. What do you mean by "after all of that"? When was that?

2 A. This was after they spent a lot of time in the house. I learnt about those names  
3 and I told my father about them. He asked me how I came to know all those names  
4 and I told him that this is how they were called.

5 Q. To your knowledge, did your father ever complain to anybody in authority on  
6 your behalf?

7 A. No, I am not aware of that. He is an adult. Would he have done that? I  
8 have no idea.

9 Q. Well, were you aware that your father did (Redacted) to  
10 complain about things?

11 A. You have asked me that question before and my answer to you was "I do not  
12 know."

13 Q. Very well. Did you seek any medical treatment or attention after these events?

14 A. It was not possible for me to consult a doctor.

15 Q. Just so that I'm clear about this: Have you never consulted a doctor about the  
16 possibility of infection of some sort arising from these events?

17 A. I have told you that after those events I did not go to the hospital. It is only  
18 subsequently that I went to consult the doctor.

19 THE INTERPRETER: The Sango interpreter did not get the last part of the answer  
20 from the witness.

21 MR HAYNES:

22 Q. Madam Witness, could you say what you just said again because we have  
23 missed a little bit of it?

24 A. Yes, I can repeat what I said. After the events I did not go to the hospital, but it  
25 is only after the ICC took over the situation that it was possible for us to go and

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1 consult a doctor.

2 Q. Okay, and when did you do that?

3 A. I no longer remember the month.

4 Q. Well, I just wonder if you could explain something that appears on one of the  
5 documents. It is document 6 at page 11, for our benefit, and I will read to you what  
6 it says, Madam Witness, when it appears on the screen. It's confidential, of course.

7 THE COURT OFFICER: Page 11 of document ICC-01/05-01/08-954 confidential  
8 annex 371, second redacted version, is available on your screens and is marked as  
9 confidential, of course.

10 MR HAYNES:

11 Q. Now, Madam Witness, I know you didn't write this but this is the form which  
12 we were looking at last week which has your initials on each page and you told us  
13 then that it was read back to you, and on this form it appears you were asked whether  
14 you were examined by a doctor after the events in question and you said "Yes." Is  
15 that what you said when this form was being filled out and you were answering those  
16 questions?

17 A. That is correct. I had gone to consult a doctor for gynaecological reasons. I  
18 wanted to conceive because I wanted to have a child. It was not to find out whether  
19 I had been infected by any diseases during the rapes, or not.

20 Q. Okay, thank you. And if we can go down this page a little bit, there's  
21 something else I want to ask you about. Did you say during the course of the filling  
22 in of this form that you would provide copies of your medical records in due course?

23 A. What medical records are you talking about?

24 Q. Well, those arising from your treatment?

25 A. Are you talking about the medical tests that I did myself at my own expense?

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1 Q. What were they?

2 A. We had been asked to go and consult a doctor. That was a different test, but I  
3 myself had personally gone to a doctor for gynaecological tests so as to make it  
4 possible for me to conceive. That was a different test. Are you referring to the test  
5 recommended by the ICC, or what?

6 Q. Well, all I want to know is whether when this form was being filled out that you  
7 put your initials on you said you would provide the filler-in of the form with any  
8 medical records and, if so, what it was you had in mind?

9 JUDGE ALUOCH: Mr Haynes, it's not quite clear to me what you are actually trying  
10 to get from the witness.

11 MR HAYNES: It may be too difficult, given that this is a form she didn't fill in, but  
12 in any event it was just that entry that was curious. I'm going to move on from it,  
13 because it's going to be I think too difficult to find common ground.

14 Q. Now, I want to come lastly to the occasion when you went to the school and  
15 you say you saw the visit of Mr Bemba. As I understand it, the reason you went to  
16 the barrier in the first place was because of the shooting of a Muslim boy; is that  
17 right?

18 A. He was not killed. I said that he was shot at with a firearm.

19 Q. Yes, I think we understand one another. Did you expect Miskine to be there?

20 A. It could not have been possible for me to know. I was going to the market. It  
21 was in the area of the group chief. That is where I saw (Redacted) carrying a flag.  
22 That is where I saw the person in the vehicle with a scarred face. That person  
23 alighted from the vehicle, and I asked who he was and I was told that this was  
24 Miskine. It was at that time that I saw him face-to-face.

25 Q. So Miskine alighted from a vehicle. Was there anybody else in the vehicle with

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1 him?

2 A. He was accompanied by two other people; two men.

3 Q. \*Did his presence in PK12 at this moment, mean that his soldiers were present,  
4 did that mean for you that his soldiers were present?

5 A. I did not see his soldiers. I only saw the two men in his company at the barrier.  
6 I didn't see any other soldiers.

7 Q. Were they in uniform?

8 A. No, he was in civilian clothing.

9 Q. Was your father there with you?

10 A. I have told you that I was going to the market. I was alone and it is at that time  
11 that I observed what was happening and then I went on my way. I do not know  
12 whether my father came to that same place after that.

13 Q. So how long were you at the barrier with Miskine?

14 A. It was just a brief gathering of onlookers. He spoke briefly to the people who were there  
15 and then he boarded his vehicle and went on his way. He didn't spend a lot of time there.

16 Q. Right. So which direction did he go in?

17 A. He turned around and he went towards the centre of the town.

18 Q. Okay. And you went off to market; is that right?

19 A. Yes, I went to the market.

20 Q. And the chef de groupe who'd been at the barrier, was he carrying a flag, or was  
21 it wrapped around him in some way?

22 A. It was a large flag. It was a dissenter. He was a dissenter, holding a large flag.  
23 There were many people behind him; many young people.

24 Q. I see. And how long were you at market?

25 A. I didn't have much to buy. I simply bought okra and I returned home.

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1 Q. Right. And did you stay at home after you returned home?

2 A. I returned home and I spent some time preparing that okra.

3 Q. So when did you first learn that day that Mr Bemba was supposed to be  
4 visiting?

5 A. You did not ask the question correctly. It was when we saw Miskine. It was  
6 when he saw (Redacted) that he said he was going to talk about the events to the  
7 leaders of the Banyamulengue, and so he left, and in the afternoon Miskine arrived.

8 Q. Arrived where, and where were you at that time?

9 A. I have told you that Miskine had to tell Bemba about it. Bemba arrived and he  
10 came to the Begoua school and, when the Banyamulengue leaders called the soldiers  
11 and they were going there, I also followed in order to find out what was going on.

12 Q. Okay. Now, did you see the helicopter in the air?

13 A. When I arrived, the helicopter had landed. It is when it was taking off that I  
14 saw it.

15 Q. You didn't hear it in the air from your house?

16 A. But I was present when the helicopter was taking off, so it was normal for me to  
17 hear the noise of the helicopter taking off.

18 Q. How many people got into it before it took off?

19 A. I did not say that I saw anyone. I said that I saw him personally board the  
20 helicopter. I have never said that I saw anyone else go into the helicopter with him.

21 Q. Well, was it a big helicopter, or a little helicopter?

22 A. It was not a big helicopter.

23 Q. What colour was it?

24 A. The same colour as the military uniform.

25 Q. Well, what did you actually see the man you believe to be Mr Bemba do?

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1 A. I have told you that when I arrived, he had already started speaking. He was  
2 at the centre and surrounded by his soldiers, and it was when he turned around to  
3 board the helicopter that I saw him, but I cannot tell you that I stayed there for a long  
4 time to hear what he said. That would not be correct. I did not hear anything.

5 Q. How long did you stay there?

6 A. It is not possible for me to tell you how long I was there. I simply came and  
7 observed what was happening, and I was standing up.

8 Q. Did you really see a helicopter that day?

9 A. If I did not see a helicopter, would I come here to tell a lie?

10 Q. Have you discussed with other members of your family the visit of Mr Bemba  
11 in the last few years?

12 A. I had gone there with my brothers. They were on the other side, and when I  
13 returned I told them, "Look, I have already seen Bemba." One of them told me that  
14 he had already -- that he had also seen him, but subsequently we did not have the  
15 opportunity to discuss that.

16 Q. And this happened on the same day that the boy was taken to the barrier by the  
17 chef de groupe with the flag; is that correct?

18 A. I have told you that it was in the course of the same day. He was called and he  
19 came.

20 MR HAYNES: I think we will have to stop there. I'm finished really, but I'd like to  
21 see if it's possible to make arrangements, I don't know what the Prosecution's plans  
22 are, to if possible avoid the witness having to come back tomorrow. I may have to  
23 take some instructions and we can -- well, we will see where we go from there.

24 PRESIDING JUDGE STEINER: Mr Haynes, we are going to break, but we still have  
25 one-and-a-half hours after the break and you promised --

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1 MR HAYNES: I was misinformed.

2 PRESIDING JUDGE STEINER: -- that you would do your best in order to finish  
3 today.

4 MR HAYNES: I am very sorry, I was misinformed. I thought we finished at 4.

5 PRESIDING JUDGE STEINER: No, no, we still have a second part.

6 MR HAYNES: Then ignore everything I just said.

7 PRESIDING JUDGE STEINER: Madam Witness, we are going to have a break right  
8 now for half-an-hour in order for you to take some rest. We'll be back at 4.30. We  
9 are going into closed session in order for the witness to be taken outside the  
10 courtroom. In the meantime, we are going to suspend and we will resume at 4.30.  
11 Court officer, please.

12 \*(Closed session at 4.01 p.m.) Reclassified as Open session

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

14 (The witness stands down)

15 THE COURT OFFICER: All rise.

16 (Recess taken at 4.03 p.m.)

17 \*(Upon resuming in closed session at 4.35 p.m.) Reclassified as Open session

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

19 PRESIDING JUDGE STEINER: So we are resuming. I would ask, please, the court  
20 officer to bring the witness in.

21 (The witness enters the courtroom)

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

23 (Open session at 4.36 p.m.)

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

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

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- 1 THE WITNESS: (Interpretation) Good afternoon, your Honour.
- 2 PRESIDING JUDGE STEINER: Did you manage to rest a little bit?
- 3 THE WITNESS: (Interpretation) Yes, I was able to rest.
- 4 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?
- 5 THE WITNESS: (Interpretation) Yes, I'm ready to continue.
- 6 PRESIDING JUDGE STEINER: Thank you very much. Mr Haynes?
- 7 MR HAYNES: I only have one question of the witness, which we will need to go into
- 8 private session for me to ask.
- 9 PRESIDING JUDGE STEINER: Court officer, please turn into private session.
- 10 \*(Private session at 4.38 p.m.) Reclassified as Open session
- 11 THE COURT OFFICER: We are in private session, Madam President.
- 12 PRESIDING JUDGE STEINER: Madam Witness, we are in private session and so you
- 13 can feel free to speak. Nobody can listen to you now, only here in the courtroom.
- 14 MR HAYNES:
- 15 Q. Madam Witness, before we took the break you mentioned the name of the man who
- 16 spoke to Miskine. You called him (Redacted). Do you know his full name?
- 17 A. No, I didn't say it was (Redacted) who spoke. No, (Redacted), it was he who had
- 18 been shot in the leg, but I wanted to speak about Miskine.
- 19 Q. Then that was my mistake. What was the name of the chef de groupe who spoke to
- 20 Miskine, do you know?
- 21 A. Yes, I know his name. (Redacted) was his name.
- 22 MR HAYNES: Thank you very much. I have no further questions.
- 23 PRESIDING JUDGE STEINER: Let's go into open session, please.
- 24 (Open session at 4.40 p.m.)
- 25 THE COURT OFFICER: We are in open session, Madam President.

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1 PRESIDING JUDGE STEINER: Maître Liriss, you wanted to, please?

2 MR LIRISS: (Interpretation) Just by way of clarification, I think it will only take eight to  
3 ten minutes. Thank you, your Honour.

4 QUESTIONED BY MR LIRISS: (Interpretation)

5 Q. Witness, I can hardly see you, but I suppose that you can hear me. I've just got a  
6 few questions for clarifications with regards to what was said.

7 THE INTERPRETER: The interpreter asks for the counsel to speak directly into the  
8 microphone, please.

9 MR LIRISS: (Interpretation)

10 Q. The first question that I would like to ask --

11 PRESIDING JUDGE STEINER: Maître Liriss, the interpreters are asking you to speak  
12 straight into the microphone.

13 MR LIRISS: (Interpretation) Okay. With the leave of the President, if the Registry or  
14 the court officer would be so kind as to show on the screen statement -- the statement of  
15 the Witness, CAR-OTP-0034-0625\_R02. This is highly confidential, this document, and as  
16 such there needs to be a private session bearing in mind its content.

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

18 \*(Private session at 4.42 p.m.) Reclassified as Open session

19 THE COURT OFFICER: We are in private session, Madam President. The document  
20 CAR-OTP-0034-0611\_R02, at page 0625, is available on the screen and it is marked as  
21 confidential.

22 MR LIRISS: (Interpretation) If you would be so kind, can you show us the lower part  
23 of this, the last four paragraphs?

24 Q. Witness, I am going to read the statement that you made before the investigators of  
25 the Prosecutor. Question from the investigator: "I would now like you to explain to me

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1 what happened in the two other houses while you were undergoing that." Your answer  
2 was as follows: "We were living in different houses. I therefore do not know what  
3 happened in the house in front. But, after what they did to me, my husband went to the  
4 other house to tell my father what had happened and he said that they had also slept with  
5 (Redacted) and even my father. I shall stop there. It was afterwards that  
6 my father had prepared a solution to treat us."

7 Witness, do you confirm this statement today, this testimony today?

8 A. Yes, I confirm it. It is my statement.

9 Q. They were the same soldiers who had raped your father; is that right?

10 A. No, it wasn't like that.

11 Q. Can you explain to us how many groups were there? The raped happened -- did it  
12 happen at the same time, or was it the same group who went around raping different  
13 people? Is it the same group and that everybody went into different house? Please,  
14 could you explain this to us.

15 A. Things didn't happen in that way. I told you what happened to my father is  
16 something that I couldn't know. I just know the group that came to my house, but the  
17 group who went to the other house over there, I didn't know. I just know the group that  
18 came to my house.

19 Q. Very well. I shall try and reformulate with a shorter question. Witness, was it the  
20 same day? Did all these rapes take place on the same day?

21 A. Yes, it was the same day.

22 Q. Was it during the same time period, i.e., while you were being sexually assaulted,  
23 others were sexually assaulting your mother and also your father and -- your mother and  
24 your father?

25 A. Yes, it was at the same time.

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1 Q. When I say the same group, what I mean by that is the same group who came  
2 together to sexually assault you together at the same time; is it correct to put it like that?

3 A. That's not what I said. I said that the group who came to me is different to the  
4 group that went to my father and my sisters.

5 Q. It's not your fault, I'm not explaining myself well. I am asking the question very  
6 badly. I shall try. It is true that your father was raped by a group; your sister by  
7 another; your mother and you also, but this group -- when I say "this group," well, they  
8 came together and then they divided up into subgroups; is that not correct? It was the  
9 same men who came together. One group went to you and then another went to your  
10 father and then a third one went to your mother, et cetera, et cetera; is that correct?

11 A. Yes, it was like that.

12 Q. Very well. Thank you. That's what I mean by the group. It's with regard to the  
13 group that came earlier to carry out the pillaging. Thanks very much.

14 My second question: Did you see the rape of your father?

15 A. On that day I was present but I didn't see the rape take place. I was in my house,  
16 and after what happened to me it was my husband who went to speak to my father and  
17 my father told him that (Redacted)  
18 (Redacted)

19 Q. Thank you, Madam. Did you see the rape of your mother?

20 A. I told you that I was in my own house and what happened to me also happened to  
21 them, but I'm not God to know what happened at their house.

22 Q. Witness, please don't be annoyed if I ask the same question several times. It's just  
23 so that it's well understood by the Chamber. As such, I will ask a third question: Were  
24 you present during the rape of your sisters?

25 A. When (Redacted) was raped, she wasn't walking well. (Redacted) was also raped but

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1 she was walking quite normally.

2 Q. Witness, do I understand from that that you were not present then either?

3 A. That is correct.

4 Q. I'm going to ask you for your opinion with regard to the statement of a witness who  
5 has been here, maybe a neighbour of yours, I don't know. This is in the transcript of 21  
6 January 2011 -- 2004. No, 24th. No, the 21st. The witness was asked where your  
7 mother was, and this is the answer that was given: "I told you that the wives and the  
8 children," and here, Madam, I'm speaking under your control, giving the situation. "I  
9 told you that the wives and the children were there. Those who left your father were  
10 able to flee." So I'm asking you the question: The witness who has given that testimony,  
11 did that witness tell the truth, or what do you think of this statement?

12 A. I have not understood your question.

13 PRESIDING JUDGE STEINER: Madam Kneuer.

14 MS KNEUER: Madam President, I neither have understood that question, but is Defence  
15 counsel asking the witness to testify about the credibility of the testimony of another  
16 witness? I think she is a witness of facts and she should not assess, or she should not  
17 even be asked to assess. If something that a witness said is true, I don't think it's up to  
18 her to make this assessment, nor is it a fair question to the witness. I think the Bench will  
19 decide at the end what is true and not true.

20 PRESIDING JUDGE STEINER: Counsel Liriss, maybe you have a more reasonable way  
21 of asking this kind of question. I am first to agree with the Prosecution that it's not up to  
22 the witness to make comments that she cannot know, whether she thinks that another  
23 witness was lying and, more than that, this question I didn't understand as well. So  
24 maybe you could rephrase the way, please.

25 MR LIRISS: (Interpretation) I'll reformulate, your Honour.

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1 Q. I said that a witness stated, or he told an account of the rape of your father, and I  
2 gave a reference to that to the Bench and to the parties. This witness stated that you  
3 were there, that you were present, that your mothers were also present and your sisters  
4 were also present, and I'm asking if you confirm or not, or if you do not confirm this  
5 testimony.

6 A. It is true.

7 Q. Witness, I asked you the question three times, to see if you were present at the time  
8 of the rape of your father, of your mother and of your sisters, and you answered, "no."  
9 Now, when I give you the testimony of another person who claims that you were present,  
10 you say that this testimony is correct. Could you explain to the Bench this apparent  
11 contradiction, or perhaps you did not understand my question?

12 PRESIDING JUDGE STEINER: Witness, witness.

13 THE WITNESS: (Interpretation) It didn't happen like that.

14 MS DOUZIMA-LAWSON: (Interpretation) Thank you very much, your Honour. I  
15 think that there's some confusion here with regards to the interpretation in Sango. "To be  
16 there," and "being present" are different things which are said in the same way in Sango.

17 PRESIDING JUDGE STEINER: Thank you, Maître Douzima. Maybe that helps Maître  
18 Liriss to rephrase again the question with the precision given by Maître Douzima.

19 MR LIRISS: (Interpretation) Thank you, dear colleague.

20 Q. Witness, I stated that -- a moment ago I asked you on three occasions -- I put the  
21 following three questions to you: Were you next to your mother while she was being  
22 raped? Were you -- or did you see your father being raped? Or did you see the scene of  
23 the rape of your brothers and sisters? If I put the question in this way, with the question  
24 put this way, does that make it possible to better understand what I would like to obtain  
25 from you by way of answer?

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1 A. I understand it better now. I stated when you say in Sango that you are present  
2 that doesn't mean that you're an eyewitness, but I was present in my house. I was also in  
3 my house and I was also suffering the same abuses as my father was, but I didn't see  
4 myself personally this. If I say I was present, that doesn't mean that I saw these events  
5 with my own eyes; that I saw with my own eyes my father being raped.

6 Q. Okay, I think now things are clear, and that is the reason why that I asked you the  
7 question and asked you of what you thought of this other witness who stated something  
8 which was contrary to what you said that you were there, that you were present next to  
9 your father while your father was being raped, and I would ask you to tell me what you  
10 think of such a statement which contradicts what you said?

11 A. That's not how things were. We suffered the same consequences at the same time;  
12 the same things at the same time. I was present, but I wasn't next to my father. I wasn't  
13 by my father's side as he was being raped.

14 Q. Thank you, I think that clarifies the matter. A minute ago Mr Haynes asked you  
15 whether the alleged Banyamulengue had given you anything as compensation for the  
16 work you did. You said that your father had refused to take anything from the  
17 Banyamulengue; is that correct?

18 A. It's true, because they stole many things from the people. We shouldn't take  
19 anything from them, because otherwise our fate would be bad as a result of the people  
20 whose things had been stolen.

21 Q. I understand. Was there a Banyamulengue attempt -- did the Banyamulengue  
22 attempt to give you anything; a present of any kind, or money?

23 A. No.

24 Q. Witness, you said a minute ago that you had told your father the names of those  
25 who attacked you; is that correct?

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1 A. It's correct.

2 Q. I will be so free as to read out the transcript of the hearing now of the date of 24  
3 January 2011, page 24, line 7. This is the testimony of the witness I referred to a minute  
4 ago. He says, "The names of the perpetrators of rape aren't even known. We don't even  
5 know them, so we can't know whether they were punished or not." My question is as  
6 follows: Do you still claim that you gave the names of those who attacked you to your  
7 father?

8 A. I can confirm that I gave the names of those who attacked me to my father.

9 PRESIDING JUDGE STEINER: Madam Kneuer?

10 MS KNEUER: Thank you, Madam President. I would appreciate if Defence counsel  
11 could provide the exact reference of what the witness stated, because my recollection is  
12 that it was taken out of content. The witness made a further statement saying that she  
13 told her father, but that she believes he did not recall it, or he didn't memorise it. So I  
14 think if Defence counsel is putting something to the witness, he should provide the entire  
15 context, please.

16 PRESIDING JUDGE STEINER: Maître Liriss, this is something that the Chamber has  
17 already decided, that when something is mentioned please mention the page and line of  
18 the assertion you are making please.

19 MR LIRISS: (Interpretation) I provided it clearly, your Honour. I said that it was the  
20 transcript of 24 January 2011, in the French version.

21 PRESIDING JUDGE STEINER: Madam Kneuer?

22 MS KNEUER: Madam President, I was referring to the reference of this witness's  
23 testimony in today's transcript, because he put also -- my learned colleague put also a  
24 quotation what Witness 81 testified today, and this was taken out of context and therefore  
25 the question that was put to the witness is unfair and confusing and misleading. Thank

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1 you, Madam President.

2 PRESIDING JUDGE STEINER: Maître Liriss, it appears that objection should be  
3 sustained. Please mention from today's testimony where the witness said that she gave  
4 the names to her father in today's transcript, please.

5 MR LIRISS: (Interpretation) In today's transcript, your Honour?

6 PRESIDING JUDGE STEINER: It was not today that the witness said that she gave the  
7 names to her father?

8 MR LIRISS: (Interpretation) It was today, your Honour. We can find that. I'm told  
9 that it's page 18, line 3, in the French, or rather in the English. In the French version it's  
10 page 3, line 14. It's correct in English. I believe that there are some difficulties in the  
11 French, or with the French. We will find it.

12 PRESIDING JUDGE STEINER: Madam Kneuer, it appears that there is no such reference  
13 as you made.

14 MS KNEUER: Madam President, I refer to page 17, lines 23 onwards. It reads "Did you  
15 tell him the names?" "After all of that I told him all the names, but he didn't remember  
16 them as I do" in the English transcript, unedited version, page 17, lines 23 to 25, Madam  
17 President, your Honours.

18 PRESIDING JUDGE STEINER: It's correct. I apologise.

19 MR LIRISS: (Interpretation) Your Honour, I think I am right. The witness did say that  
20 she gave the names to her father, and the question I am now putting is that this hasn't  
21 been confirmed by the person to whom the names were provided. The person said, "I  
22 couldn't complain, nor they couldn't be punished because I didn't have the names." The  
23 question I am now putting is whether she stands by the affirmation according to which  
24 she gave her father the names -- told her father the names.

25 PRESIDING JUDGE STEINER: If your question to the witness is just for her to confirm

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1 whether she gave the names to her father it can be admitted, but not more than that.

2 MR LIRISS: (Interpretation) That is what it is, your Honour.

3 JUDGE ALUOCH: Mr Liriss, I'm sorry. I'm sorry, Madam Witness. There was still  
4 the question of -- is whether the person talking about the names, maybe the father, was  
5 talking about the names of those who abused him, or the names of those who abused her.  
6 There could be that confusion also, because she says, "I gave him the names, but he might  
7 not remember," or something.

8 MR LIRISS: (Interpretation) The names of the persons who attacked her, (Redacted)  
9 (Redacted) I believe are the names of those who committed an act of violence against the  
10 witness. She said that she had given these names to her father.

11 PRESIDING JUDGE STEINER: This is what you want the witness to confirm; this  
12 information?

13 MR LIRISS: (Interpretation) Exactly, your Honour. I would like her to confirm that in  
14 relation to the prior statements made by her father.

15 THE WITNESS: (Interpretation) Thank you. I will answer your question. My father  
16 is my father. My father is not myself. What -- as for what happened to me, well, I  
17 found out about my attackers' names later. They didn't rape my father. I said, "Father,  
18 here are the names of the individuals who did such-and-such a thing." He didn't  
19 remember them. It's not for him to remember the names and come and tell you about  
20 them here. I was the subject of their attack and it's for me to provide the names.

21 MR LIRISS: (Interpretation) Your Honour, we can accept that. With the leave of the  
22 Chamber, could the Registrar show us the following document:

23 CAR-OTP-0034-0586\_R02? What we are interested in are the six last paragraphs.

24 PRESIDING JUDGE STEINER: Maître Liriss, should we continue in private session?

25 MR LIRISS: (Interpretation) I think we might have to go back into private session, but

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1 this question can be put in open session. I will try and put all the questions I can put in  
2 open session in open session and then we can move into private session. Thank you.

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

4 (Open session at 5.14 p.m.)

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

6 MR LIRISS: (Interpretation)

7 Q. Madam, I don't know whether you can see the document before you now? I am  
8 going to read out the statement that you gave to the OTP investigators. I do apologise.

9 THE COURT OFFICER: I publish the document which is still not available on your  
10 screens.

11 MR LIRISS: (Interpretation) Perhaps you have the English version. If not, I can read  
12 the French version.

13 THE COURT OFFICER: The French version at page 0686, there is document  
14 CAR-OTP-0034-0573, at page 05. Can you please confirm?

15 MR LIRISS: (Interpretation) I have CAR-OTP-0034-30586-R02, is that correct, the three  
16 last paragraphs?

17 Q. Madam, I'm going to read out a statement that you gave to the investigators from  
18 the OTP. The investigator put the following question to you: "How do you know that  
19 the Banyamulengue had come to support Patassé?" And your answer was, "It was said  
20 that he didn't have many soldiers with him. Therefore, in order to increase the number  
21 of his soldiers, he appealed to them for their support."

22 My first question is as follows: Who are you referring to when you say that "he" didn't  
23 have many soldiers?

24 A. At the time Patassé didn't have many soldiers, and in the neighbourhood it was said  
25 that he had requested Banyamulengue aid.

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1 Q. To increase the number of his troops, is that right - because this nuance is an  
2 important one - to increase the number of his troops; is that correct, madam?

3 A. (No interpretation)

4 THE INTERPRETER: The interpreter apologises, the microphone was switched off.

5 MR LIRISS: (Interpretation)

6 Q. Madam, the answer wasn't interpreted. With your permission, I will rephrase, or I  
7 will put the question to you again.

8 PRESIDING JUDGE STEINER: Maître Liriss.

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

10 Q. Witness, I asked you who you were referring to when you said that he didn't have  
11 many troops, many soldiers. You said that you were speaking about President Patassé;  
12 isn't that correct?

13 A. Yes, that's correct.

14 Q. And you also said that it was in order to increase the number of troops that he  
15 appealed to them for their assistance; isn't that correct?

16 A. I don't know what you mean by increasing the strength, the number.

17 Q. Madam, this is what we are asking you about, because this is what you stated. We  
18 are asking you to confirm whether that is in fact what you stated.

19 A. I didn't speak about numbers. He said that he had appealed to the Banyamulengue  
20 for assistance but, as for speaking about numbers, well, really.

21 Q. Madam, it's not to harass you. The Presiding Judge asked you a question at the  
22 beginning of your testimony and you said that you admitted as true, accepted as true, the  
23 statements given to you -- given by you to the Prosecution. You had signed your  
24 statement, after you had been allowed to reread your statement, or after it was re-read to  
25 you. And that is why I am taking one sentence that you gave to the Prosecution in your

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1 statement that you accept as your own, so I'm only asking you to confirm your statement,  
2 or that sentence.

3 I will re-read it now. "It was said that he didn't have many soldiers with him." We're  
4 referring to Patassé. "So, in order to increase the strength of his troops, he appealed to  
5 them for their support." That is your statement, and I'm asking you whether you can  
6 confirm that or not.

7 A. In Sango I didn't refer to numbers. I said, "he appealed to." I never mentioned  
8 numbers. He appealed for assistance, for help.

9 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. Perhaps there's some  
10 confusion for the witness in that what was read out to us by the Defence is not a statement  
11 from the witness. The witness said, "It was said that," "People said that," so the term used  
12 is "It was said that," "They said that," but the question is being phrased in such a manner  
13 that the witness might have the impression that she claimed something. It's not quite the  
14 same thing, your Honour. Thank you.

15 PRESIDING JUDGE STEINER: Maître Liriss.

16 MR LIRISS: (Interpretation) Madam, this is information provided by the witness.  
17 Whether it comes from herself or an external source, it doesn't matter. What's important  
18 for me is to know whether she provided this information; That's all. And now, the  
19 witness says, or goes back to her statement. Well, if she goes back on her statement, it's  
20 for you to assess the matter.

21 Your Honour, with -- Mr Registrar, with the Chamber's leave, could you provide us with  
22 the following document, CAR-OTP-0034-0619\_R02. We're interested in the last line. It's  
23 confidential because it contains the names of persons.

24 THE COURT OFFICER: Document CAR-OTP-0034-0611\_R02, at page 0619, is available  
25 on your screens and is marked as confidential.

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1 MR LIRISS: (Interpretation) Thank you, Mr Register.

2 Q. Witness, I will now read out the last paragraph in this page. It's also something  
3 that you stated. The investigator asked you whether those who had raped you had  
4 communication devices with them such as radios, cell phones, et cetera, and this is what  
5 you said. This is what you answered: "They had a transmitter- receiver that they had  
6 taken from people. They'd put cassettes on and would amuse themselves. They also  
7 had mobile phones that they had taken from people, but they did not use them." Do you  
8 remember this answer?

9 A. Yes, I do.

10 Q. Thank you, madam. Could you explain to the Chamber what you mean by  
11 transmitter-receiver?

12 A. I also don't know what one calls "transmitter." I said I saw them with radios and  
13 mobile phones but, as to what you are calling "transmitters," I don't know.

14 Q. I thought perhaps there was some confusion between radios and portable  
15 transmitters. So we must conclude that you didn't see any transmitters-receivers, but  
16 only ordinary radios and portable phones or, rather, mobile phones that they didn't even  
17 use. When I say radio --

18 A. Yes, that's what I saw.

19 Q. By "radio," how can I explain this? When we say "radio," are we referring to radios,  
20 the one uses to listen to broadcasts such as RFI broadcasts or Ndeke Luka radio  
21 broadcasts? So a radio set, that's what you mean by "radio"; is that correct?

22 A. Yes, that's what is meant.

23 Q. You can also confirm that the mobile phones that they had weren't used by them?

24 A. Yes, they had them in their hands but I never saw them use them for communication  
25 purposes.

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1 Q. Thank you, madam. Madam Witness, amongst the individuals who left with you  
2 to Begoua to speak to Mr Bemba, there was one person who provided information that  
3 seems to us to contradict information you have provided us with. And I would like to  
4 read out some paragraphs from this person's statement in order to refresh your memory  
5 and to see whether you can confirm your statements or not, whether you stand by the  
6 statements that you have made today. Have you understood me, madam?

7 A. Yes, I have.

8 MR LIRISS: (Interpretation) Your Honour, the witness is CAR-OTP-PPP-038, transcript  
9 of 24 November 2010. It's the edited transcript.

10 Q. Let's start with page 29, I am only referring to some extracts from the French  
11 transcript, lines 4 to 8, "And when he arrived, Mr Bemba is concerned, when we were  
12 informed that the convoy in which his vehicle was had passed by, young people were  
13 taken to exert pressure on them. When we arrived at the checkpoint, we were then  
14 prevented from going on."  
15 Lines 14 to 20, "When we arrived at the hospital, they stopped us. It was out of the  
16 question. It was at that point in time that the commander ...", whose name is mentioned,  
17 "... noticed that there was a disturbance. He said, 'Calm down. Leave. I will inform the  
18 President of your concerns myself.'"

19 On page 28 of the same transcript, we have the following at line 18, "And a short while  
20 afterwards, we were told that Mr Bemba would arrive by helicopter. We waited." Line  
21 25, "And others. Instead of arriving by helicopter, that is not what happened. He  
22 arrived by vehicle in a convoy. He took the road to Boali and then he went to the football  
23 pitch." Lastly, page 30 of the same transcript, line 6, "After a meeting we decided that we  
24 would speak to Bemba when he arrived, and it was our soldiers who were at the barrier  
25 who told us, "No, move on. Change your position. Do not stay there." Line 11, "That

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1 is what I believe. Some time after that he came. He did not spend a lot of time. He did  
2 not stay there for a lot of time, and then afterwards his convoy left and moved away very  
3 fast."

4 And I will conclude, line 33, or rather page 33, lines 12 to 19, and I would conclude, "How  
5 was Mr Bemba dressed at that time?" "We were a bit far away. There were soldiers  
6 around. We could still see Mr Bemba. He was dressed as a dignitary, but he was not  
7 wearing military uniform. A little bit like he is dressed now, as I see him wearing civilian  
8 clothing." "Mr Witness, were you able to hear what Mr Jean-Pierre Bemba told the  
9 soldiers when he was addressing them?" "I could not hear what was being said."

10 Madam Witness, this is someone who apparently was with you. He has described  
11 Mr Bemba. He was not in military uniform, as you have said. He said that he did not  
12 come by helicopter. He also added that he did not speak to the population. On the  
13 contrary, the population was not allowed to meet with him. My question is as follows:  
14 Do you stand by your testimony to this Court regarding the arrival of Mr Bemba?

15 A. I am not talking about the dreams of someone else. I am telling you about someone,  
16 or rather something that I witnessed myself, but if someone else had dreams I cannot  
17 interpret those dreams on their behalf.

18 Q. Very well, Madam. Let us assume that you stand by your testimony of today. Do  
19 you still stand by your statement that Mr Bemba had a helicopter whose colour was the  
20 same as that of the military uniforms?

21 A. Yes.

22 MR LIRISS: (Interpretation) With your leave, Madam President, the document that we  
23 are going to show was disclosed to us by the Prosecutor and this is indeed the helicopter  
24 that was used by the MLC at that time. Can this be shown to us on the screen so that the  
25 witness should confirm to us that this is indeed the helicopter in question?

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1 PRESIDING JUDGE STEINER: As far as I was informed, this is not a document that was  
2 in the Defence list of evidence.

3 MR LIRISS: (Interpretation) You are perfectly correct, your Honour, but we are going  
4 to send an emergency mail to ask for your indulgence, given that it was only on Friday  
5 that the statements related to the helicopter were received by us, and we thought that you  
6 would be indulgent enough to allow us to confront the witness with those documents.

7 PRESIDING JUDGE STEINER: Any observations from the OTP?

8 MS KNEUER: Madam President, what I understand is that the witness provided  
9 information on Friday, last week, and that the Defence sent an urgent request today at 3  
10 p.m. I leave it to your Honours to decide if that is urgent, or not. Thank you, Madam  
11 President.

12 PRESIDING JUDGE STEINER: Maître Liriss, on a very exceptional basis the Chamber  
13 will allow you to show the video, and we just hope that when you have something urgent  
14 that you inform the Chamber in advance, if possible. Are you tendering this document  
15 into evidence, Maître, because then I will ask the court officer to give it an EVD-T  
16 number?

17 MR LIRISS: (Interpretation) Much obliged for your indulgence, Madam President, and  
18 yes indeed we would like to tender the document into evidence.

19 PRESIDING JUDGE STEINER: Could, please, the court officer assign to the video an  
20 EVD-T number.

21 THE COURT OFFICER: Yes, Madam President. The video is referred to as  
22 CAR-DEF-0001-0832 and it will be attributed reference EVD-T-D04-00008 and will be  
23 marked as confidential.

24 PRESIDING JUDGE STEINER: Maître Liriss, is the document to be marked as  
25 confidential?

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1 MR LIRISS: (Interpretation) Apparently, no. It is a photograph of a helicopter.

2 There is absolutely nothing confidential about that. And, court officer, in order to move  
3 fast, can you go to 03 minutes, 23 seconds, to 03.28 seconds, or you can simply freeze the  
4 image as soon as the helicopter appears. Thank you.

5 THE COURT OFFICER: The document is available on your screens and the document  
6 will now be classified as public.

7 MR LIRISS: (Interpretation) Thank you, Madam President. For the record, the  
8 helicopter has just landed at Sibut town. It was not Mr Bemba who was in it. It was  
9 simply going to fetch some injured people.

10 Q. Now, the question I am asking the witness now is: Is that indeed the helicopter  
11 that you saw in Begoua, PK12?

12 A. The helicopter that I saw was army green in colour, as I have already told you.

13 MR LIRISS: (Interpretation) Madam President, the MLC does not have any helicopters  
14 other than this, and if the Prosecutor has contrary evidence they can produce it. That is  
15 all I wanted to say.

16 MS KNEUER: Thank you, Madam President. I am really concerned that my learned  
17 colleague is providing evidence. He is testifying himself, he is alleging certain things  
18 and I request that these comments be expunged from the transcript. Thank you, Madam  
19 President.

20 PRESIDING JUDGE STEINER: Maître, do you want to make observations on this  
21 request?

22 MR LIRISS: (Interpretation) I believe that the Prosecutor is forgetting that this is a  
23 document they disclosed to us as an exculpatory document and which was used during  
24 the confirmation of charges hearing, so this is not a document that I took out of my  
25 pocket.

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- 1 PRESIDING JUDGE STEINER: Ms Kneuer, although you're right in saying that Maître  
2 Liriss has given evidence, it's not the first time that the Defence would comment or make  
3 observations on evidence. The Chamber doesn't see any need for the transcript to be  
4 expunged or redacted. The Chamber will pay attention and will not take into account  
5 comments that are not relevant or pertinent to the case. Maître Liriss.
- 6 MR LIRISS: (Interpretation) Madam President, I have no further questions for the  
7 witness, and I thank you for your patience.
- 8 PRESIDING JUDGE STEINER: May I assume that the Defence has finished the  
9 questioning?
- 10 MR LIRISS: (Interpretation) Yes indeed, Madam President.
- 11 PRESIDING JUDGE STEINER: Thank you very much, Maître Liriss. I ask whether  
12 Prosecution wants to redact?
- 13 MS KNEUER: No, thank you, your Honours.
- 14 PRESIDING JUDGE STEINER: Madam Witness, this concludes your evidence and  
15 before you leave the Court the Chamber would like to express the thanks for the time and  
16 trouble that you have taken to come to this country, and to give evidence in trial.
- 17 In order for the Judges of this Court to find the truth it is critical that witnesses such as  
18 yourself are prepared to give evidence, to assist us on the relevant issues in the case.
- 19 We are aware that it has been certainly inconvenient for you and possibly it may have  
20 involved some personal risk. You therefore leave us now in order to go home with our  
21 thanks, the thanks of the Chamber and of the Court but, before you leave, I would like to  
22 ask you whether there is anything you would like to address the Chamber? Feel free to  
23 speak if you so wish.
- 24 THE WITNESS: I do not have anything to say.
- 25 PRESIDING JUDGE STEINER: So once again, thank you very much. We wish you a

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1 very nice journey back to your home country, to your family. Again, thank you very  
2 much, Madam.

3 We are turning into closed session in order for the witness to be taken outside the  
4 courtroom.

5 \*(Closed session at 5.49 p.m.) Reclassified as Open session

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

7 (The witness is excused)

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

9 (Open session at 5.50 p.m.)

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

11 PRESIDING JUDGE STEINER: Thank you very much, court officer. So we come to the  
12 end of the testimony of Witness 81. Tomorrow we don't have, we are not sitting  
13 tomorrow, we don't have our hearing tomorrow, taking into account the preparation, the  
14 familiarisation of Witness 82.

15 We are going to resume therefore on Wednesday at 9.30 in the morning to start with the  
16 questioning by the Prosecution of Witness 82.

17 I thank very much the Prosecution team, the legal representatives of victims, the Defence  
18 team, Mr Jean-Pierre Bemba Gombo. Thanks for our interpreters and court reporters.

19 We are going to adjourn and resume on Wednesday at 9.30 in the morning.

20 This hearing is adjourned.

21 THE COURT USHER: All rise.

22 (The hearing ends at 5.52 p.m.)

23 CORRECTION REPORT

24 The Court Interpretation and Translation Section has made the following corrections  
25 in the transcript:

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1 \* Page 18 line 3:

2 "Did his presence in PK12 at that time indicate his soldiers were there to you? " is  
3 corrected by "Did his presence in PK12 at this moment, mean that his soldiers were  
4 present, did that mean for you that his soldiers were present?"

5 RECLASSIFICATION REPORT

6 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and  
7 ICC-01/05-01/08-3038 and the instructions in the email dated 9 September 2013, the  
8 version of the transcript with its redactions becomes Public.