

Trial Hearing
Witness: CAR-D04-PPPP-0030

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
6 Trial Hearing
7 Monday, 2 September 2013
8 (The hearing starts in open session at 9.05 a.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE STEINER: Good morning.
13 Could, please, court officer call the case.
14 THE COURT OFFICER: Good morning. Situation in the Central African Republic,
15 in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, case reference
16 ICC-01/05-01/08, and for the record, we are in open session.
17 PRESIDING JUDGE STEINER: Thank you.
18 Good morning and welcome Prosecution team, legal representatives of victims,
19 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters, our
20 court reporters.
21 Good morning, Ms Fatiah.
22 THE COURT OFFICER (via video link): Good morning, Madam President.
23 PRESIDING JUDGE STEINER: And good morning, Madam Witness.
24 WITNESS: CAR-D04-PPPP-0030 (On former oath)
25 (The witness speaks Sango)

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1 (The witness gives evidence via video link)

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

3 PRESIDING JUDGE STEINER: How are you feeling today, madam?

4 THE WITNESS: (Interpretation) I'm fine.

5 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony,
6 madam?

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

8 PRESIDING JUDGE STEINER: Madam Witness, I need to remind you that you are
9 still under oath. Do you understand that, madam?

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

11 PRESIDING JUDGE STEINER: I also want to remind you, madam, that you are
12 under protective measures, that your image and voice that are broadcast outside the
13 courtroom are being distorted so that the public cannot identify you by your image or
14 by your voice and, in order to keep your identity protected, it is important that when
15 we are in public session you don't say anything that could lead to your identification;
16 mainly name of your husband, of your family members, where you used to live at the
17 time of the events, where you live now. If you need to reveal any such kind of
18 information, you just let us know and we go into private session. In private session,
19 you can speak freely because nobody outside the courtroom can hear what you say.
20 Do you understand the protective measures, ma'am.

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

22 PRESIDING JUDGE STEINER: If for any reason you need a break, madam, just let
23 me know and you will have as many breaks as you need. I will give back the floor to
24 Defence and Defence will continue with your questioning.

25 Mr Haynes, you have the floor.

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1 MR HAYNES: Thank you very much, your Honour, and good morning to
2 everybody.

3 QUESTIONED BY MR HAYNES: (Continuing)

4 Q. And good morning to you, madam.

5 A. Good morning.

6 Q. I hope we will able to finish your evidence today and I imagine that's good
7 news for you, if we can?

8 A. Thank you.

9 Q. I've just got a few more questions about what happened to you and I'm going to
10 ask those questions in private session, okay?

11 A. That's fine by me.

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

13 (Private session at 9.12 a.m.) * Reclassified as Open session

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

15 MR HAYNES:

16 Q. Madam, what language did the soldiers speak to you who raped you?

17 A. They spoke to me in Sango. One of them spoke in Lingala.

18 Q. And do you remember any of the things they said to you?

19 A. All I remember is the time at which they threatened my husband.

20 Q. And what did they say at that time?

21 A. They told him that it was in his best interest not to disclose what he had done to
22 his wife. They threatened him and said several other things to him.

23 Q. Do you remember the other things they said?

24 A. They threatened my husband and they told him that it was in his best interest
25 not to disclose, or reveal, what they had done. The one who spoke these things

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1 mostly was the one who was speaking in Lingala. He said that, if they heard
2 mention that he had said anything about what they had done, they would finish him
3 off.

4 Q. Were you able to tell where these men came from?

5 A. They were Bozizé's men, who came from the hinterland.

6 THE INTERPRETER: Interpreter adds: In the last segment of the previous answer
7 the witness said, "They threatened him and they beat him."

8 MR HAYNES:

9 Q. How could you tell they were Bozizé's men?

10 A. You see, if someone were listening to me speaking now they would know that
11 I am neither from Congo nor from Cameroon, but that I am from the Central African
12 Republic. The people who raped me were indeed Central African nationals and they
13 were Bozizé's soldiers.

14 Q. Okay, thank you very much. I'm going to move away from what happened to
15 you now and so we're going to go back into public session. Do you understand?

16 A. Yes, I do understand.

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

18 (Open session at 9.18 a.m.)

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

20 MR HAYNES:

21 Q. Madam, apart from the day you have been talking about, did you see Bozizé's
22 soldiers in your area on any other day?

23 A. I did not understand your question.

24 Q. Then I'll ask it in a different way. For how many days were Bozizé's soldiers in
25 your area of Bangui?

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1 A. They spent three days there.

2 Q. And how did they behave towards the local population?

3 A. I am not able to say much about their conduct towards the population because I
4 was raped, I was in pain and suffering and I was not able to leave my home during
5 that time. However, I subsequently learnt that they had raped other persons and
6 had mistreated other persons, but since I mostly remained within my home I'm not
7 able to tell you much about what may have happened.

8 Q. That's very fair. Why did they leave?

9 A. I do not know. I do not know. But people were saying that they had come to
10 fetch some diamond, so I don't know.

11 Q. After they left, did you see any other soldiers in the area?

12 A. No, I did not see any soldiers.

13 Q. Okay. Did you go to hospital or to a doctor at all?

14 A. Yes, I went to the hospital. I consulted a doctor.

15 Q. Do you remember when that was?

16 A. No, I have forgotten the date.

17 Q. Do you remember the date on which these things happened to you?

18 A. Yes, I remember that date because it is a very significant date in my life.

19 Q. I only have a couple more questions. Will you be okay to answer them?

20 A. (No audible response)

21 MR HAYNES: Can we go into private session, please?

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

23 (Private session at 9.25 a.m.) * Reclassified as Open session

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

25 MR HAYNES:

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1 Q. Okay, madam, nobody outside this room can hear what you're saying. I only
2 have two or three more questions. Are you okay?

3 A. Yes, I'm okay. Let's proceed.

4 Q. Okay. Then can you tell us the date on which these things happened to you?

5 A. It was on the 26th.

6 Q. Of what month?

7 A. October.

8 Q. Okay. Now, on Friday, do you remember telling me that you saw one of these
9 men again some months later?

10 A. Yes, that is what I said.

11 Q. Where did you see him and what was he doing?

12 A. I saw him at the market at PK5. He was in one of their vehicles known as "the
13 BJ." He was wearing a military uniform. At some point, he went across the road.
14 I looked at him for some time and then went away. I continued to do my own
15 business.

16 Q. What is "BJ"?

17 A. It's a military vehicle known as "BJ-75." It's a military transport vehicle.

18 Q. Okay. And was this before or after General Bozizé seized power on
19 15 March 2003?

20 A. Please kindly repeat your question. I did not quite understand it.

21 Q. Okay. I'm just trying to find out how many months after you saw this man
22 again. Do you remember who was in power when you saw him again?

23 A. Yes, it was indeed Bozizé.

24 Q. And you say he was in military uniform and in a military vehicle. Was he with
25 other soldiers?

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1 A. There were a lot of them. There were a lot of them who were in the vehicle.

2 They were all soldiers.

3 MR HAYNES: Madam, thank you very much for answering all my questions. I've
4 finished with my questions, at least for the time being, but some other people will ask
5 you some questions now and so will you wait there for their questions, please?

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

7 (Open session at 9.32 a.m.)

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

9 MR HAYNES: I suppose I ought formally to close my examination in open session.

10 Madam, thank you very much for answering my questions. I'm finished for now.

11 PRESIDING JUDGE STEINER: Madam Witness, the counsel for Defence just
12 finished for the time being with your questioning, and now the Prosecution will put
13 some questions to you. We will start in open session. If need be, at any time we go
14 again into private session.

15 Do you feel well and ready to continue with your testimony?

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

17 PRESIDING JUDGE STEINER: Then I'll give the floor to Maître Badibanga, counsel
18 for the Prosecution, who will put some questions to you.

19 Maître, you have the floor.

20 MR BADIBANGA: (Interpretation) Thank you. Thank you very much, your
21 Honour. Good morning, Judges.

22 QUESTIONED BY MR BADIBANGA: (Interpretation)

23 Q. Good morning, Witness.

24 A. Good morning.

25 Q. Madam, as the Judge told you, I'm called Jean-Jacques Badibanga and I

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1 represent the Office of the Prosecutor. Do you know what the role is of the Office of
2 the Prosecutor? Has that been explained to you; the role of the Prosecutor within
3 this trial?

4 A. Yes, I've been told.

5 Q. Would you like me to continue directly with my questions, or do you need a
6 couple of minutes perhaps to speak to the person next to you? Do you feel well?
7 Can we continue with the questions?

8 A. You can start your examination.

9 MR BADIBANGA: (Interpretation) Your Honour, with your permission, could
10 we go into closed session please -- into private session, please?

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

12 (Private session at 9.36 a.m.) * Reclassified as Open session

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

14 MR BADIBANGA: (Interpretation)

15 Q. Witness, I'm sure that you've suffered a lot from what you experienced. We're
16 going to address what you suffered very briefly, but most of the time I'm going to ask
17 you questions about what happened during this period; other things that perhaps you
18 saw. Where it concerns this rape that you suffered, are there other aspects or other
19 things that you would like to say where questions were not put to you in that regard?

20 A. What I would ask you is to try to arrest all those people who committed such
21 atrocities in Bangui because they made a lot of people suffer.

22 MR BADIBANGA: (Interpretation) I propose therefore that we will continue with
23 what you've just said and that we'll go back into open session.

24 We're going to try, your Honour, with your leave, perhaps to speak about very
25 general matters, but if the state of the witness continues perhaps I would ask us to

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1 continue in -- well, I would ask to have a break so -- and then we could go into open
2 session, but I'll try and continue in open session.

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

4 (Open session at 9.39 a.m.)

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

6 MR BADIBANGA: (Interpretation)

7 Q. Witness, without giving details, particular details concerning yourself, can we
8 say that you, like a lot of Central African women, suffered during the events that took
9 place in 2002 and 2003?

10 A. Of course.

11 Q. Do these women have the possibility, or have they had the possibility, to speak
12 about what happened to them?

13 A. If they'd been given the possibility, well, they will do that because there were a
14 lot of atrocities committed. Victims are ready to testify about all of that.

15 Q. Even if these people -- even if these women haven't had the opportunity to
16 speak about that with another framework, between them do they sometimes have
17 meetings or just moments when they speak about what happened to them?

18 A. No. In fact, I have no idea. In Bangui, it's difficult for victims to meet in order
19 to testify with regards to everything that they experienced. There isn't really an
20 appropriate framework for that in Bangui.

21 Q. And in the neighbourhood that you live for example, is it the case that
22 sometimes between each other, between neighbours, you sometimes have the
23 opportunity to speak about all that by way of solidarity to share your suffering?

24 A. I haven't spoken about it to anyone, other than my mother. She is the one who
25 consoles me.

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1 Q. By that, do you mean that nobody in your neighbourhood or in your
2 surroundings is aware of what happened to you?

3 A. Mister, you asked me the question whether I'd spoken about it to other people
4 in the neighbourhood and it was in response to that question that I gave this answer.

5 Q. You are right. My question was not very clearly put. In fact, it was because I
6 hadn't understood the answer to the question before. So where it concerns you, you
7 confided in your mother, but can I also understand from that that other people in the
8 neighbourhood are aware of what happened to you?

9 A. It's possible. If we take the case of this girl who went to alert my husband,
10 certainly there are other persons who know. I can't know all of that. God to know
11 all of that.

12 Q. And do you know if something also happened to that girl; this girl who spoke
13 to your husband? The only time that she was concerned or involved, was that the
14 day when it happened to you, or did she have the same type of problem herself?

15 A. After -- after the taking of power by the president, I found out that the same
16 thing that had happened to me had also happened to her on 28 May.

17 Q. So what she suffered occurred on 28 May. 28 May of which year? Just after
18 the President Bozizé took power; is that correct? Have I understood you well?

19 A. Yes, it was some months after the taking of power by the president. The
20 soldiers came to defend the house and they went with her and they raped her. They
21 broke down the door of the house and they took her and raped her.

22 Q. Did other women from the neighbourhood come to see you in order to tell you
23 what they had also suffered? If they had suffered the same thing, were there other
24 women in the neighbourhood who confided in you?

25 A. Where it concerns the other girl, I found out about this because people fired into

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1 the air, they broke down the door and they left with her. The population came out
2 to see what was happening, and afterwards the girl came back and she said what had
3 happened to her herself.

4 Q. When she came back, was it her herself who said that she had been raped?

5 A. Yes, she said what had happened to her herself.

6 Q. Did she say why they came to take her like that after the war and why they
7 raped her? Did she know why they'd done that?

8 A. If we could go into private session, then I could explain what happened to you.

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

10 (Private session at 9.50 a.m.) * Reclassified as Open session

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

12 PRESIDING JUDGE STEINER: Madam, we are in private session.

13 MR BADIBANGA: (Interpretation)

14 Q. Now, Witness, we are in private session and nobody can hear you, apart from
15 the Judges and the lawyers who are here in the courtroom, so you can tell us what
16 you want to say.

17 A. They said that they came to her house in order to take the motorbike of the
18 husband of her older sister, and when they arrived they did not find the motorbike
19 because the husband of her older sister had hidden the motorbike somewhere and
20 they got angry. They said that they had spent a lot of energy in coming to get the
21 motorbike and, as they didn't manage to find it, that's the reason why they took her in
22 order to go and rape her by way of reprisal. So she was raped by one of them, and
23 the others did not accept that the other soldier had said -- they said they would shoot
24 her and that's why the rapist let the woman go back to the house.

25 Q. As we are in private session, please could you give us the name of this young

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1 girl?

2 A. Yes, I can give you her name. (Redacted)

3 Q. How old was (Redacted) at that time?

4 A. She could have been (Redacted). I don't know her age well, but I think it
5 would be one of those two.

6 Q. So at that time she was older than you; is that correct?

7 A. Yes.

8 MR BADIBANGA: (Interpretation) Your Honour, can we go back into open
9 session?

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

11 (Open session at 9.55 a.m.)

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

13 MR BADIBANGA: (Interpretation)

14 Q. Witness, as you've understood, we are now in open session. We're not going
15 to give any information which will let people know who you are. Did the young girl
16 who we've just spoken about -- well, was she the same as the one who went to find
17 your husband? Are we talking about the same person here, or are we talking about
18 a different person in this case as the one who went to find your husband?

19 A. It's the same person.

20 MR BADIBANGA: (Interpretation) Your Honour, at this stage I will just be very
21 prudent. I would just like to draw the attention of the Chamber to the transcript 339
22 with regard to these events, but perhaps I'll come back to that later to clarify what I'm
23 saying. It depends on how the examination goes. I just wanted to raise this point at
24 this juncture.

25 Q. Witness, for a few minutes we're going to speak about another subject and we're

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1 going to put aside for a moment what happened to you. From the first day that you
2 started to testify, you have to know here there are people who write everything that
3 you say. They transcribe everything that you say. Everything that you say is being
4 recorded as well. So I would like to reassure you with regard to the fact that we've
5 listened to you well, we've heard what happened to you and it has been well recorded.
6 So if I speak about other things that's not because I'm not interested in what happened
7 to you, but that's because I want to see if there's other information that you can
8 possibly give to the Judges here which can help the Judges in their work.

9 Madam, what do you know about the soldiers who came from Zaire or the Congo?
10 What did they do in the neighbourhood in which you were living during the events
11 in 2002 and 2003?

12 A. I didn't hear anything.

13 Q. You said that you didn't hear anything. Are you referring to the period during
14 the war to the time when Bozizé took power? During that entire period of the war
15 you heard nothing?

16 A. Counsel, I was asked to come here to tell the truth and nothing but the truth.
17 When you ask me this type of question do you want me to tell you the truth, or do
18 you want me to lie to you? I can only testify about what I've seen and what I've
19 heard. What else do you want?

20 Q. Exactly, Witness. My question is to try and see what you've seen or heard.
21 We weren't there with you. We don't know what you saw, we don't know what you
22 heard and that's the reason why we put questions to you. If you've seen nothing
23 then just say, "I saw nothing," but if you did see something please tell us what you
24 saw.

25 Did you see them in the street, the soldiers? Were they in the streets? Were they in

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1 the neighbourhood during this period of the war?

2 A. I didn't see them. I didn't see them with my own eyes.

3 Q. If someone were to ask you today to describe their attire, how they were
4 dressed, or to tell them whether they went about in groups or two or five, you would
5 not be in a position to say anything; is that correct? You would not be able to
6 describe them; is that correct?

7 A. I did not see them and I stand by my testimony. I did not see them. I cannot
8 testify about their complexion, about their size, about the attire they wore, because I
9 did not see them.

10 Q. Thank you. Now I understand you. This war ended in 2003. Today we are
11 in the year 2013, some ten years after the war. During that ten-year period, did you
12 hear people talk about what those soldiers may or may not have done in your
13 neighbourhood and in the country?

14 A. I heard nothing.

15 Q. Madam Witness, when we started off this morning with our examination, you
16 said that many women and many people suffered in the Central African Republic.
17 I'm referring here to your sentence when you said that, "What I ask of you is to arrest
18 all those who committed those atrocities in Bangui because they made a lot of people
19 to suffer." French transcript, page 11, lines 7 to 9.

20 Now, can you tell us what you were referring to when you said that a lot of people
21 had suffered and when you invited the International Criminal Court to arrest all those
22 who had committed those atrocities?

23 A. I was referring here to the fact that many women were raped, that people were
24 killed, that there was looting and pillaging. These are things that bring suffering to
25 people. There was pillaging in various neighbourhoods and women were raped.

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1 That is suffering.

2 Q. Who were those raping, pillaging and killing people? Who did all those
3 things?

4 A. Please can we go into private session?

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

6 (Private session at 10.06 a.m.) * Reclassified as Open session

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

8 MR BADIBANGA: (Interpretation)

9 Q. Madam Witness, we're in private session. Can you continue with your
10 testimony?

11 A. I simply want to talk about the house of the prime minister, Ziguélé. It was
12 pillaged and destroyed by the soldiers. The house belonging to (Redacted)
13 (Redacted) all those houses were destroyed by soldiers, not by civilians.
14 Civilians did not have access to weapons. Those houses were looted and destroyed
15 by soldiers. Could a foreigner come from a far away country and take on military
16 uniforms and then use weapons to loot, pillage and brutalise people? Well, these
17 things were committed by the sons of our country, and even today as I testify to you
18 here these atrocities are still going on in my country.

19 Q. Madam Witness, just a practical point for you. All the things that you have
20 mentioned now could have been said in open session. Where you've talked about
21 some houses being pillaged and so on and so forth, these things can be said in open
22 session. We do not need to protect that information. The only information that
23 should be protected is if you mention your name, or your husband's name, or if you
24 were to say (Redacted) and then people
25 would be able to know who you are, but if you're talking about the looting of Minister

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1 Ziguélé's house that is information that can be provided in open session. Have you
2 understood that, Madam Witness?

3 A. I have understood you. I wasn't aware of that, but now I understand you.

4 Q. That's fine. That's fine. Now, can we then return to open session, or is there
5 any information of a confidential nature that you want to provide to the Court in
6 answer to the question that I put to you?

7 A. We can return to open session, Counsel.

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

9 (Open session at 10.09 a.m.)

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

11 MR BADIBANGA: (Interpretation)

12 Q. Madam Witness, this morning Defence counsel asked you for how long Bozizé's
13 soldiers had remained in your neighbourhood and you said in answer, "Three days."
14 Then he asked you about their conduct regarding the local population and you said
15 that regarding their conduct or behaviour you did not have much to say, and then
16 you went on to explain by saying that you had not left your house at that time. You
17 then said that you had heard mention that they had raped and mistreated other
18 persons, but that because you were in your home you were not in a position to say
19 much about those things.

20 Now, when I have asked you about MLC soldiers, you have also testified that you are
21 not aware of much because you did not see those soldiers. That is why a short while
22 ago I asked you, in relation to your testimony that many people had suffered in the
23 Central African Republic, that there were -- there was a lot of looting, a lot of rape.
24 Now, my question to you is: Who committed those acts, given that you don't know
25 much about Bozizé's soldiers and you know nothing about the MLC soldiers? So my

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1 question then is: Who was responsible for the suffering of all these people?

2 A. A short while ago, you asked me a question relating to my request that people
3 should be tried by the ICC. Yes, it is because of the question you put to me that I
4 said that it would be best for Bozizé's soldiers to be tried by this Court. This is all
5 I can say.

6 PRESIDING JUDGE STEINER: Maître Badibanga, if you allow me, you put in your
7 question the MLC soldiers, and I'm not so sure that she has an idea what MLC
8 soldiers are. So if you try to make it simple and more understandable for her what
9 you are talking about.

10 MR BADIBANGA: (Interpretation) Thank you, Madam President. I have been
11 careful enough to say soldiers from Zaire or from Congo, but you point out rightly
12 that I referred to MLC soldiers.

13 Q. Now, Madam Witness, do you know what "MLC" stands for? When I say,
14 "MLC soldiers," do you know who I am talking about?

15 A. No.

16 PRESIDING JUDGE STEINER: Maître, I'm sorry to interrupt you. Judge Aluoch
17 wants a clarification.

18 JUDGE ALUOCH: Madam Witness, apart from Bozizé's soldiers, did you hear of
19 the presence of any other soldiers?

20 THE WITNESS: (Interpretation) Counsel asked me a short while ago whether I
21 saw any other soldiers in uniform. My answer was that I did not see them. I said
22 no, I was not aware of that.

23 JUDGE ALUOCH: Thank you.

24 MR BADIBANGA: (Interpretation)

25 Q. Madam Witness, do you know who made up Bozizé's soldiers? Were Bozizé's

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1 soldiers exclusively Central African nationals, or were there other soldiers with them?

2 A. I don't know. All I can talk about is in relation to those soldiers who raped me.

3 One was speaking in Sango, while another spoke in Lingala. It is only subsequently

4 that one of them travelled with my husband, and during that time my husband

5 indicated that one of them was a Central African national and they had travelled

6 together with my husband.

7 Q. Are you okay, Madam Witness?

8 A. Yes, Counsel, I'm fine.

9 Q. Bozizé's soldiers, who were they fighting against during the war; would you
10 know?

11 A. They were fighting against Patassé's soldiers.

12 Q. Do you know what or which soldiers were on Patassé's side? Do you know
13 which soldiers were fighting with Patassé? Do you know how that army was made
14 up?

15 A. I learnt that it was made up of some Central African nationals and some
16 Libyans, sons of the soil, so to speak.

17 Q. Did you ever hear that some people came from Zaire or from the Congo as well?

18 A. Counsel, please kindly repeat your question.

19 Q. You said that on Patassé's side there were Libyans and sons of the soil, that is
20 Central African nationals, and that on Bozizé's side, you said that there were Central
21 Africans whom you were able to identify, thanks to your husband. My question to
22 you then is the following: Did you also hear mention of the arrival of any soldiers
23 from the Congo or from the Zaire to be part of that war?

24 A. Soldiers from Zaire?

25 Q. Yes, soldiers from Zaire or from the Congo or from the other side of the river.

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1 A. Yes. Yes, I heard people say that some soldiers had come across from the other
2 side of the river.

3 Q. Do you know on whose side they were fighting? Were they fighting with
4 Patassé or on Bozizé's side?

5 A. Counsel, I don't know how to answer your question. Really, I have no idea.
6 I'm just an ordinary woman, you know.

7 Q. Please don't take my questions badly. I have already explained to you from
8 the beginning that we are trying to find out whether you know other things beyond
9 what you have already told the Court so far. It is for this reason that I'm putting
10 these questions to you. So if you don't know, there really is no problem whatsoever,
11 just tell us that you do not know. Please, feel free to do so. Is that okay by you?

12 A. I have understood you now.

13 Q. Did anyone talk to you about the Banyamulenge?

14 A. No, I have never heard mention of the Banyamulenge. I have never heard any
15 discussion whatsoever about the Banyamulenge.

16 Q. I just want to be clear and to make sure that I have understood you perfectly.
17 Are you saying that today is the very first day on which you hear this word
18 "Banyamulenge," or have you heard the word "Banyamulenge" before today?

19 THE COURT OFFICER (via video link): Madam President, the witness just
20 conveyed that she doesn't feel well.

21 PRESIDING JUDGE STEINER: Let's then suspend. We may suspend for ten
22 minutes. Is that fine with you, madam?

23 THE WITNESS: (Interpretation) Yes, Madam President.

24 PRESIDING JUDGE STEINER: The hearing is suspended. We will be back at
25 20-to-11.

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1 THE COURT USHER: All rise.

2 (Recess taken at 10.24 a.m.)

3 (Upon resuming in open session at 10.48 a.m.)

4 THE COURT USHER: All rise.

5 Please be seated.

6 PRESIDING JUDGE STEINER: Madam Witness, welcome back.

7 THE WITNESS: (Interpretation) Thank you very much, your Honour.

8 PRESIDING JUDGE STEINER: Before we continue with the testimony of the
9 witness, the Chamber has a short oral decision to be issued. It's the oral decision on
10 the applications to question Witness 30 by legal representatives of victims.
11 On 29 October 2013 the Chamber received an application from Maître Zarambaud on
12 behalf of the victims that he represents to question Witness D04-30. It's filing
13 2785-Conf. The application contains a list of seven questions.

14 Similarly, on 30 August the Chamber received an application from Maître Douzima
15 on behalf of the victims that she represents, filing 2791. The application contains a
16 list of eight questions.

17 Having considered the reasons given by both Maître Douzima and Maître
18 Zarambaud as to why the personal interests of the victims they represent are affected,
19 the Chamber allows the respective applications to question Witness 30.

20 Turning to the proposed questions, both legal representatives of victims are allowed
21 to put all of their proposed questions to the witness as set out in the aforementioned
22 filings.

23 Madam Witness, are you ready to continue with your testimony?

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

25 PRESIDING JUDGE STEINER: Madam Witness, the parties are trying to be very

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1 objective and they are putting short questions to you. If you are able to answer, if
2 you know, you just give the answer. If you don't know, you just say you don't know.
3 As soon as you finish with your testimony you can go back to your husband, to your
4 family, but in the meantime no contacts with family members are allowed. I hope
5 you understand that. So let's see if we can conclude with your testimony as soon as
6 possible, in order to release you from your duties as a witness.

7 Can we count on you on that, Madam Witness?

8 THE WITNESS: (Interpretation) I've understood, your Honour.

9 PRESIDING JUDGE STEINER: So the Prosecution will continue with your
10 questioning. We have just a few minutes before our half-an-hour break, but let's try
11 to save all time we have in order to release you as soon as possible.

12 Maître Badibanga?

13 MR BADIBANGA: (Interpretation) Thank you, your Honour.

14 Q. Witness, before we went into this break you were telling us that you'd never
15 heard of the Banyamulenge. I just wanted to be sure that I understood what you
16 meant by that. I asked you if it was the first time you'd heard this word
17 "Banyamulenge" when I spoke it today in court?

18 A. Mister, I think we have to suspend. We can continue later. I can't take any
19 more.

20 PRESIDING JUDGE STEINER: It's fine, Madam Witness, no problem. We will
21 suspend for our regular break and we'll resume at 11.30. The hearing is suspended.

22 THE COURT USHER: All rise.

23 (Recess taken at 10.54 a.m.)

24 (Upon resuming in open session at 11.41 a.m.)

25 THE COURT USHER: All rise.

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1 PRESIDING JUDGE STEINER: Welcome back.

2 As you can see, the witness is not in the transmission room. The Chamber has been
3 informed by VWU that Madam Witness is physically not well. She feels very weak
4 and she asked not to continue with the testimony today, and VWU then recommends
5 that we give her the rest of the day for her to take some rest.

6 So we will adjourn for today and resume tomorrow morning at 9 in the morning, in
7 the hope that we can conclude with this testimony in the morning session.

8 Otherwise, we will sit in the afternoon as well. So just for the parties to be aware
9 that we may sit extended hours tomorrow in order to finish with the testimony of
10 Witness 30 as soon as practicable.

11 I thank very much the Prosecution team, the legal representatives of victims,
12 Defence team, Mr Jean-Pierre Bemba Gombo.

13 I thank very much our interpreters, our court reporters.

14 Thank you, Ms Fatiah.

15 THE COURT OFFICER (via video link): You're welcome, Madam President.

16 PRESIDING JUDGE STEINER: So we will now adjourn and resume tomorrow
17 morning.

18 The hearing is adjourned.

19 (The hearing ends in open session at 11.43 a.m.)

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, the version of the transcript with its redactions becomes Public.