

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  
6 Judge Kuniko Ozaki  
7 Trial Hearing  
8 Tuesday, 3 September 2013  
9 (The hearing starts in open session at 9.07 a.m.)  
10 THE COURT USHER: All rise.  
11 The International Criminal Court is now in session.  
12 Please be seated.  
13 PRESIDING JUDGE STEINER: Good morning.  
14 Could, please, court officer call the case.  
15 THE COURT OFFICER: The situation in the Central African Republic, The  
16 Prosecutor against Jean-Pierre Bemba Gombo. We are in open session, Madam  
17 President.  
18 PRESIDING JUDGE STEINER: Thank you.  
19 Good morning. I welcome the Prosecution team, legal representatives of victims.  
20 Good morning, welcome, Defence team, Mr Jean-Pierre Bemba Gombo. Good  
21 morning to our interpreters, court reporters.  
22 Good morning, Miss Fatiah.  
23 THE COURT OFFICER (via video link): Good morning, Madam President.  
24 PRESIDING JUDGE STEINER: And good morning, Madam Witness.  
25 WITNESS: CAR-D04-PPPP-0030 (On former oath)

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1 (The witness speaks Sango)

2 (The witness gives evidence via video link)

3 THE WITNESS: (Interpretation) Good morning.

4 PRESIDING JUDGE STEINER: Are you feeling better, madam?

5 THE WITNESS: (Interpretation) I still do not feel better, but we can continue this  
6 morning.

7 PRESIDING JUDGE STEINER: Have you received assistance from

8 VWU - medication or any other kind of assistance - in order to make you feel better?

9 THE WITNESS: (Interpretation) Yes, I have received some treatment.

10 PRESIDING JUDGE STEINER: We will continue with your testimony, Madam

11 Witness, with the hope that we are able to conclude this morning in order to allow  
12 you to go back home to your family.

13 Before I give back the floor to the Prosecution, I need to remind you that you are still  
14 under oath.

15 Do you understand that, madam?

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

17 PRESIDING JUDGE STEINER: We will have, if possible, two sessions of two hours  
18 this morning, with a half-an-hour break, but if you need a break at any time, just let  
19 me know and we can suspend the hearing.

20 Is that fine with you, madam?

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

22 PRESIDING JUDGE STEINER: Then I'll give back the floor to Maître Badibanga to  
23 continue with your questioning. Maître.

24 MR BADIBANGA: (Interpretation) Thank you, your Honour. Thank you,  
25 Madam President, your Honours.

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1 QUESTIONED BY MR BADIBANGA: (Interpretation) (Continuing)

2 Q. Good morning, Madam Witness.

3 A. Good morning.

4 MR BADIBANGA: (Interpretation) Madam Witness, we are going to try to  
5 continue today so that we can see what else you can remember about what happened  
6 at that time. We will try -- we will start with a few questions that might identify you  
7 and for that reason I would want us to go into private session.

8 Can we do that, Madam President?

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

10 (Private session at 9.13 a.m.) \* Reclassified as Open session

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

12 MR BADIBANGA: (Interpretation)

13 Q. Madam Witness, I know that you have already answered this question, but can  
14 you tell us once again how many children you have, please?

15 A. We have four children. (Redacted)

16 (Redacted)

17 Q. (Redacted)

18 A. Yes, that is correct.

19 Q. At the time of the events in 2002/2003, how many children did you have?

20 A. I had one child.

21 Q. (Redacted)

22 (Redacted)

23 A. Yes, that is correct.

24 Q. (Redacted)

25 (Redacted)

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1 A. (Redacted) We were living together at that time.

2 (Redacted)

3 Q. Can you tell us the name of that second child once again so that it should be  
4 noted down correctly.

5 A. (Redacted)

6 THE INTERPRETER: If the interpreter heard correctly, says the Sango booth.

7 MR BADIBANGA: (Interpretation)

8 Q. (Redacted)

9 A. (Redacted)

10 Q. At the time of those unfortunate events, where were you living, in which  
11 neighbourhood in Bangui?

12 A. Are we in private session?

13 Q. Yes. Yes, I asked you questions about your children and so on and I did that  
14 only because we were in private session and we are still there.

15 A. (Redacted)

16 Q. Did you stay in that neighbourhood during that entire period, or did you move  
17 house?

18 A. (Redacted)

19 Q. (Redacted)

20 A. I no longer remember.

21 Q. (Redacted) That is until  
22 the time that you left, is that where you were living?

23 A. No. We went back to the neighbourhood.

24 Q. (Redacted)

25 A. (Redacted)

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1 Q. Did you understand my question, Madam Witness?

2 A. I can't hear you very well.

3 Q. (Redacted)

4 A. (Redacted)

5 Q. (Redacted)

6 (Redacted) how long would that take you if you had to  
7 cover that distance?

8 A. I do not know.

9 Q. Madam Witness, do you know someone by the name of (Redacted)

10 A. Yes. He is my husband's friend.

11 Q. We are still in closed session, so you can talk about him. What is the name of  
12 (Redacted) wife?

13 A. I do not know his wife. I simply know that he is a friend of my husband's who  
14 came regularly to the house and I gave him some food. Only my husband can give  
15 you that information.

16 In the morning I go to the market, I go about my business, I come back in the evening,  
17 so I don't have any information about that.

18 Q. Personally you never visited him at home, or met his family?

19 A. No, I never went to his house.

20 Q. Do you know where he was living at the time of the war in the CAR; that is  
21 between 2002 and 2003?

22 A. No. I have just told you that I do not know where he lived. He was a friend  
23 of my husband's and he came regularly to the house and I would serve him food. I  
24 do not have any further information about him.

25 Q. I was thinking that, since he is a family friend, maybe he could have told you

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1 where he lived during the events, whether his wife suffered during that period and so  
2 on and so forth. But do you know whether his wife also had any problems during  
3 that period?

4 A. No, I do not know.

5 Q. One last question about this person. Is he aware of what happened to you? Is  
6 that something that you ever spoke about with him?

7 A. He is a man. I cannot discuss that with him.

8 I'm sorry, Madam President. I would like to take a break.

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

10 (Open session at 9.28 a.m.)

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

12 PRESIDING JUDGE STEINER: Mr Witness, five minutes? Ten minutes? For how  
13 long you want to break -- to have a break?

14 THE WITNESS: (Interpretation) I'm tired. I would like to rest. Maybe I will  
15 give that information to the people who are by my side and they will convey it to you.

16 PRESIDING JUDGE STEINER: Madam Witness, I need to inform the people that is  
17 here in the courtroom for how long we are going to suspend. That's why I'm asking  
18 you. Do you think ten minutes is enough?

19 THE WITNESS: (Interpretation) Ten minutes.

20 PRESIDING JUDGE STEINER: Okay, Madam Witness.

21 The hearing is suspended for ten minutes.

22 THE COURT USHER: All rise.

23 (Recess taken at 9.30 a.m.)

24 (Upon resuming in open session at 10.02 a.m.)

25 THE COURT USHER: All rise.

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1 Please be seated.

2 PRESIDING JUDGE STEINER: Madam Witness, are you ready to continue with  
3 your testimony, madam?

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

5 PRESIDING JUDGE STEINER: Mr Witness, we have now a one-hour session. We  
6 hope we can have the whole hour 'til our next break. As soon -- as soon as you finish  
7 and you've concluded your testimony, the better for you, because then you can go  
8 back home. I know you are missing home, so let's try to conclude with your  
9 testimony as soon as possible.

10 Maître Badibanga, you have the floor.

11 MR BADIBANGA: (Interpretation) I thank you, Madam President.

12 Q. Madam Witness, I can see that all of this is rather difficult for you, so if this can  
13 reassure you in any way, I had foreseen to put a lot of questions to you, but I have  
14 done away with quite a lot of questions during the break, so there aren't many  
15 questions left for me to put to you now.

16 I would request that you just make a small effort to answer these questions, if you  
17 know the answer, and then we will be able to wrap up relatively rapidly. Is that all  
18 right?

19 A. Yes, that's okay.

20 Q. As I already explained to you, you should understand that my role is to put  
21 questions to you in order to attempt to ascertain what precisely happened at that time.  
22 Nobody has an issue with you. Even if you make a mistake when providing an  
23 answer, or if you are -- if you do not know, or if you say something, there won't be a  
24 problem. Nobody has an issue with you here. Do you understand that? You are  
25 just a witness. Do you understand?

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1 A. I do understand you very well.

2 Q. So I do hope that you will feel comfortable, and even if I put questions to you  
3 that are somewhat difficult, that you just simply respond and there won't be any issue  
4 with you personally, okay?

5 A. Yes, I am in agreement with that. Then we will be able to move forward more  
6 quickly.

7 Q. Counsel for Defence asked you to speak about those individuals who attacked  
8 you. We are in open session, so we shall not be providing names or details, but I am  
9 seeking clarification as to matters that can be discussed in open session. So counsel  
10 for Defence talked to you about those people who threatened you or who attacked  
11 you, and when asking you what nationality they held, you said that they were Central  
12 African; is that correct?

13 A. Yes, that is correct. They are Central Africans.

14 Q. Do you remember also that, when he asked you how it was that you knew that  
15 they were Bozizé's men, you answered by saying that, "If somebody hears me speak,  
16 they will know that I am neither Congolese nor Cameroonian, but Central African,  
17 and the people who attacked me were indeed Central Africans and they were Bozizé's  
18 soldiers." Do you remember having furnished this response?

19 A. Yes.

20 Q. So, as I explained to you, I am merely attempting to understand what you said.  
21 When you were asked if they were Bozizé's men, you said they were Central Africans,  
22 but the question I am putting to you is, well, Patassé's men were also Central Africans.  
23 So how is it that you know that they were Bozizé's men and not Patassé's men?

24 A. Because they came and they were very dirtily dressed. It was very easy to  
25 understand that they came from elsewhere. Anybody coming out of the bush is easy



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1 to identify as such.

2 Q. On occasion when you are -- when you provide an answer, I will put the  
3 question to you again and this is because there is interpretation. When you answer,  
4 your Sango response is interpreted into French, and so I put the question to you on  
5 occasion again so that -- to make sure that I have understood correctly.

6 So, according to you, these were Bozizé's men because they were not very  
7 well-dressed, or they were dirty; is that correct?

8 A. Yes, that is correct, and they were also bearded.

9 Q. So you could recognise a soldier as being a Bozizé soldier and a soldier who was  
10 a Patassé's -- who was from or amongst Patassé's soldiers, could you not?

11 A. Yes.

12 Q. And you also stated that one could recognise Central Africans. So could one  
13 also recognise foreigners?

14 A. Yes.

15 Q. Counsel for Defence asked you how many days Bozizé's men remained in the  
16 neighbourhood and you said that they had spent three days there. Do you  
17 remember having said that, Madam Witness?

18 A. Yes.

19 Q. And how is it that you know they spent three days and not one day, for  
20 example? How do you know it was three days?

21 A. Because they were firing into mid-air.

22 Q. Do you mean they were firing into the air over the three days that they spent in  
23 the neighbourhood? Have I understood you correctly?

24 A. Yes.

25 Q. When we are in open session, I'm not going to provide the names of places.

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1 I'm just going to say, well, a few minutes ago you said that you left such a location  
2 to go to another neighbourhood, so that you could not have heard them firing into the  
3 air if you had gone elsewhere, could you?

4 A. I did not go away for two or three days, after two or three days. It was two or  
5 three days later that I left.

6 THE INTERPRETER: Correction: It was several days later that I left.

7 MR BADIBANGA: (Interpretation) Maybe we should go into private session for  
8 you to be more comfortable.

9 Madam President, might we move into private session, please?

10 PRESIDING JUDGE STEINER: Before we move into private session, Maître  
11 Badibanga, I think it's difficult to remind the witness about all the ground rules, but  
12 I can remind you that you should wait the five seconds because you are overlapping  
13 with the English translator.

14 Could, please, court officer turn into private session.

15 (Private session at 10.15 a.m.) \* Reclassified as Open session

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

17 MR BADIBANGA: (Interpretation)

18 Q. Madam Witness, after how many days did you leave (Redacted) in order to go  
19 to the (Redacted)?

20 A. This lasted some time, or this took some time.

21 Q. Do you recall the date of the rape that you were subjected to?

22 A. Yes, I do recall. What is more, you put the same question to me yesterday.

23 Q. Yes, and you said that it was on 26 October; is that correct?

24 A. Yes, that is correct.

25 Q. So, on the basis of that date, 26 October, is it the 27th that you went to the

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1 (Redacted), or was it two days later, or was it three days later, on the 29th,

2 or was it later still?

3 A. It was several days later.

4 Q. And when you went to the (Redacted), the Bozizé soldiers

5 had already left your neighbourhood, had they, or did you leave them behind there?

6 A. When I left, they had already left.

7 Q. When you left, did you leave alone, or in the company of your entire family?

8 I mean thereby your husband and two children.

9 A. I left in the company of my husband and my children.

10 MR BADIBANGA: (Interpretation) Very well. We shall now return to open

11 session, Madam Witness, so let us both be mindful in order not to say anything that

12 might identify you.

13 Madam President, might we move back into open session please?

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

15 (Open session at 10.19 a.m.)

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

17 MR BADIBANGA: (Interpretation)

18 Q. Madam Witness, you should not say where the events occurred. I'm just going

19 to put a number of questions to you. Now -- on the subject of your contact with

20 counsel for Defence. Now, before you came to testify, as you are doing now, did you

21 have the opportunity to meet counsel for Defence for Mr Jean-Pierre Bemba?

22 A. Yes, he called me on the telephone.

23 Q. And do you know the name of the individual who called you over the

24 telephone?

25 A. The individual called me and said that they were counsel for Defence for

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1 Mr Jean-Pierre Bemba, and this conversation occurred in front of another counsel  
2 and an interpreter, and whilst I was speaking, the interpreter was doing their job.

3 Q. And was this over the telephone that the interpreter was talking to you? Is  
4 that what you're saying?

5 A. This was face-to-face.

6 Q. So if I understand you correctly, the first time you were called by telephone and  
7 then you met for a face-to-face meeting in the company of an interpreter; is that  
8 correct?

9 THE INTERPRETER: The Sango interpreter did not hear the first part of the  
10 witness's response. Please wait five seconds.

11 MR BADIBANGA: (Interpretation)

12 Q. Could you please repeat your answer, because the interpreter did not hear  
13 because --

14 THE INTERPRETER: Message from the English interpreter: Could counsel please  
15 respect the five-second rule?

16 THE WITNESS: (Interpretation) He called me over the telephone. He indicated a  
17 location, where I met him in the company of a lawyer and another individual who  
18 was translating what I said and I explained to him what had happened.

19 MR BADIBANGA: (Interpretation)

20 Q. And on the occasion of this meeting, with the exception of yourself, the lawyer  
21 and the interpreter, was there anybody else present?

22 A. There was a lady lawyer; a white lady. There were four of us.

23 Q. And was anybody accompanying you? Was a member of your family, or a  
24 friend, or a close relative, accompanying you?

25 A. No, I was alone.

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1 Q. Were you told what to say during your testimony? Did anybody give you any  
2 instructions as to what you should say during your testimony?

3 A. No, nobody gave me any instructions of that type.

4 Q. Were you promised anything if you testified in this case?

5 A. Who? Who would have promised me any money?

6 Q. I do not know. Maybe many people would be in a position to do so, or nobody.  
7 I'm just asking you if anybody promised you in the context of this case, were you to  
8 testify.

9 A. No, nobody promised me anything at all. I decided of my own volition to  
10 come and testify as to what happened to me.

11 Q. Did counsel for Defence for Mr Jean-Pierre Bemba explain to you that the  
12 accused individual is actually Mr Jean-Pierre Bemba and not Mr Bozizé? Was this  
13 explained to you? Was the difference explained to you?

14 A. Nobody told me anything. I came here to explain what happened to me.  
15 Nobody told me anything else.

16 Q. Yesterday, you were embarrassed on two occasions when I put questions to you  
17 on the subject of the Banyamulenge. Is this a subject that's difficult for you? Do  
18 you have any issue with the Banyamulenge; something that you might not want to  
19 talk about?

20 A. Yesterday, I did not feel well. It was for no other reason. Even now I do not  
21 feel well.

22 Q. So, Madam Witness, I suggest that we conclude your testimony with this. I'm  
23 reaching the last questions now. Could you please answer the question that I put to  
24 you yesterday. Therefore, when I put to you the word "Banyamulenge," is this the  
25 first time that you ever heard this word in your life, or have you heard it in the past?

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1 A. I have heard about the Banyamulenge and I did hear about them when my  
2 father was still working out in the provinces. I am even in a position to tell you  
3 where I heard mention of the Banyamulenge, if we move into private session.

4 Q. Madam Witness, I believe that if you are just going to tell us the name of a town,  
5 I don't think this would be an issue, because I don't think this will identify you. So  
6 please feel free to provide us with the name of the town. If you are not comfortable,  
7 I can always ask Madam President for us to move into private session, but I just  
8 wanted to inform you of this.

9 A. Please move into private session for me to be able to provide you with the  
10 details.

11 MR BADIBANGA: (Interpretation) Madam President, could we please move into  
12 private session?

13 PRESIDING JUDGE STEINER: Yes, Madam Witness.  
14 Court officer, please turn into private session.

15 (Private session at 10.29 a.m.) \* Reclassified as Open session

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

17 PRESIDING JUDGE STEINER: So please answer to the question, Madam Witness.

18 THE WITNESS: (Interpretation) I heard about the Banyamulenges during the time  
19 of Kabila's war. Soldiers crossed the river towards the area where my father was  
20 and those soldiers were known as "the Banyamulenge." So that is when I heard  
21 about the Banyamulenge. Yesterday, I heard about the Banyamulenge again here.  
22 I heard about the Banyamulenge for the first time around (Redacted).

23 MR BADIBANGA: (Interpretation)

24 Q. Is this a town in the CAR?

25 A. (Redacted)

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1 Q. Madam Witness, maybe I don't know the Central African Republic very well,  
2 but everything that you have said, you could have said in open session. You can talk  
3 about Kabila's war in open session. You can give the name of the town in open  
4 session.

5 A. I am afraid to mention the name of that locality, because there were not many  
6 people who worked in that area. It was a very small locality so it would be very  
7 easy to identify my father.

8 Q. Very well. You are correct. I propose that we go back to open session and  
9 you will not mention the name of that locality. We speak in general terms. Is that  
10 okay?

11 A. Yes, that's fine by me.

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

13 (Open session at 10.33 a.m.)

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

15 MR BADIBANGA: (Interpretation)

16 Q. Madam Witness, since you have told us that you already heard about the  
17 Banyamulenge, did you hear about any crimes that the Banyamulenge might have  
18 committed during that war of 2002/2003 in the Central African Republic?

19 A. No, I did not hear any such thing.

20 Q. Your answer has been noted, and I would like to ask you three little -- three  
21 small questions for clarification for the record. When you say that you never heard  
22 of any crimes committed by the Banyamulenge, do you mean that you never heard  
23 about pillaging carried out by the Banyamulenge? And I'm talking only about  
24 pillaging here.

25 A. Counsel, you asked me that question yesterday and I told you that I did not

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1 know. After what happened to me, I stayed indoors. Maybe it was during that  
2 time that the looting was going on outside. I could not have known that.

3 MR BADIBANGA: (Interpretation) Madam President, I think I have asked all the  
4 questions that I could have asked and I have no further questions for this witness.

5 Thank you, Madam Witness. I have no other questions for you.

6 THE WITNESS: (Interpretation) Thank you. I've understood.

7 Your Honour, I would like to go and ease myself.

8 PRESIDING JUDGE STEINER: Of course, Madam Witness.

9 Please, Miss Fatiah, accompany the witness outside the transmission room. In the  
10 meantime, we stay here in the courtroom.

11 THE COURT OFFICER (via video link): Yes, Madam President.

12 (The witness leaves the video-link room)

13 (Pause in proceedings)

14 (The witness enters the video-link room)

15 THE COURT OFFICER (via video link): Madam President, the witness has returned  
16 to the transmission room.

17 PRESIDING JUDGE STEINER: Madam Witness, can we continue with your  
18 testimony?

19 THE WITNESS: (Interpretation) It all depends on you.

20 PRESIDING JUDGE STEINER: So my question is in the sense that whether you are  
21 ready to continue. I am always ready, Madam Witness.

22 THE WITNESS: (Interpretation) Right now I'm ready. We can continue. If I feel  
23 tired, I will tell you.

24 PRESIDING JUDGE STEINER: Madam Witness, we have a break in 20 minutes, so I  
25 hope we can continue 'til we come to the 11 o'clock break.



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1 The Prosecution finished your questioning and legal representatives of victims in this  
2 case were authorised to put some questions to you, so now I will give then the floor to  
3 Maître Zarambaud, who will put some questions to you now.

4 Maître, you have the floor.

5 MR ZARAMBAUD: (Interpretation) Thank you, Madam President, your Honours.

6 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

7 Q. Good morning, Madam Witness.

8 A. Good morning, Counsel.

9 Q. My name is Zarambaud Assingambi. I am a lawyer in the Central African  
10 Republic Bar. Here I am the legal representative for a certain number of victims.  
11 As the Presiding Judge told you at the beginning, as a legal representative, I asked for  
12 leave to put a few questions to you. That leave was granted to me, but it is also  
13 possible for me to put to you follow-up questions; that is as a result of the answers  
14 that you gave to the Defence and to the OTP.

15 Most of my questions have already been answered, so I have only a few follow-up  
16 questions left for you.

17 Madam Witness, on several occasions - and even this morning - you testified that  
18 after the event that you suffered, you left your neighbourhood to go to another  
19 neighbourhood in Bangui. You subsequently returned, and you have said that one  
20 of the people who took part in the event that you mentioned, you recognised that  
21 person later on, about one month later. You also said that Bozizé's rebels had  
22 already left that locality.

23 What I would like to know, Madam Witness -- and, Madam President, if the witness  
24 feels that the answer can be identifying, we can go into private session.

25 So my question is: After how long, that is after the event that you suffered, did you

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1 leave Bangui and the Central African Republic?

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

3 THE WITNESS: (No interpretation)

4 PRESIDING JUDGE STEINER: Madam Witness, wait. Madam Witness, please  
5 wait. We are going into private session.

6 (Private session at 10.45 a.m.) \* Reclassified as Open session

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

8 PRESIDING JUDGE STEINER: Maître Zarambaud, before the witness answers to  
9 your question, just for the sake of the record, do you have the reference on when she  
10 said that she saw the perpetrator one month after the events, because my recollection  
11 is that she saw after the end of the war, so I think we should be very clear with her, or  
12 to ask her again maybe when she saw the person.

13 Yes, Mr Haynes?

14 MR HAYNES: I was going to make the same observation. I'm also a little curious  
15 to know how it is in the personal interests of the victims to know when this lady left  
16 the Central African Republic. It's got nothing to do with the victims in this case  
17 when she left the Central African Republic.

18 PRESIDING JUDGE STEINER: Mr Haynes, I will give opportunity to Maître  
19 Zarambaud to answer, but most of the time follow-up questions are just to check  
20 consistency and credibility of the witness, and legal representatives are authorised to  
21 do that as well.

22 But, in any case, if Maître Zarambaud has another explanation for the relevance of the  
23 question, you have the floor, Maître.

24 MR ZARAMBAUD: (Interpretation) Thank you, Madam President. I believe it  
25 was the hearing of 30th, line 18, that is from line 18 onwards. She stated that she saw

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1 this person a long time afterwards.

2 Regarding relevance, the purpose is to know whether she was still in Bangui when  
3 the Banyamulenges arrived and we would like to understand why she never saw  
4 them, never heard about them or even heard about the abuses committed against the  
5 victims by those Banyamulenge.

6 PRESIDING JUDGE STEINER: Madam Witness, did you understand the question of  
7 Maître Zarambaud, or you want him to repeat?

8 THE WITNESS: (No interpretation)

9 PRESIDING JUDGE STEINER: Interpretation, please.

10 Do you want Maître Zarambaud to repeat the question, madam?

11 THE WITNESS: (Interpretation) I did understand the question.

12 PRESIDING JUDGE STEINER: So please give your answer.

13 THE WITNESS: (Interpretation) After the events I was still there, I was in Bangui,  
14 but I was not aware of anything. I never saw anything.

15 MR ZARAMBAUD: (Interpretation)

16 Q. Thank you, Madam Witness. A short while ago, on page 6 of today's transcript,  
17 line 13, you said that in the morning you would go out and go to the market to carry  
18 out your activities and that you would return in the evening to your house. Now,  
19 did you carry out these activities, that is going out in the morning and coming back in  
20 the evening? After what had happened to you, did you go about your usual  
21 business?

22 A. No, after having suffered those abuses, I stayed at home.

23 Q. Did you ever go to PK12 after what happened to you?

24 A. Counsel, I'm here before the Court to talk about what happened to me. You're  
25 asking me questions about PK12 and other things. That does not concern me. I

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1 would like to repeat that, after the abuses that I suffered, I stayed indoors. It is only  
2 after I received advice from my mother that I got back on my feet again and tried to  
3 resume my activities. So during that time I didn't know what was happening left or  
4 right and even less what the Banyamulenge had done.

5 Q. I fully understand you, Madam Witness, but my question was simple: "Did  
6 you ever go to PK12?" The question was not whether you saw the Banyamulenges  
7 perpetrate abuses, or not. I simply wanted to know whether, after what happened to  
8 you, you went back to PK12 again.

9 A. I have heard.

10 Q. And since you have heard that question, please answer it. Did you ever go to  
11 PK12 after what happened to you?

12 A. Yes, I did go to PK12.

13 Q. And when you went to PK12 after what happened to you, were Bozizé's troops  
14 still there at PK12?

15 A. I have told you that after what happened to me, I was at home, and when I went  
16 out to go to the market, there was no one. If Bozizé troops were still there, one could  
17 not go out to go to the market. So I have told you that I spent most of my time  
18 indoors.

19 Q. Madam Witness, this is going to be my last question. Since Bozizé's troops  
20 were no longer there, were there any other troops in PK12 when you went there?

21 A. I did not pay attention. My concern was to go to the market. I did not know  
22 who was manning the check-point.

23 Q. Thank you, Madam Witness. Well, I will have one last question for you. The  
24 previous question was the last but one question. When you were asked a question,  
25 you said that you speak two languages: Sango and Lingala. Now, did you learn

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1 Lingala after you left the Central African Republic, or during the events did you  
2 already speak Lingala?

3 A. I was speaking Lingala well before that.

4 MR ZARAMBAUD: (Interpretation) Thank you, Madam Witness. I have no  
5 further questions for you.

6 Thank you, Madam President, your Honours.

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

8 (Open session at 10.56 a.m.)

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

10 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud.

11 Madam Witness, we are going to have now half-an-hour break. I hope you can take  
12 some rest and that when you come back, you are ready to continue giving testimony.

13 We still have Maître Douzima, legal representative of victims, to put some questions

14 to you, the Chamber may have some questions to put to you and the Defence must

15 have some few more questions to put to you. I think we're going to finish very soon,

16 but that will depend a lot on your co-operation. So take some rest now during the

17 break. We'll be back at 11.30.

18 The hearing is suspended.

19 (Recess taken at 10.58 a.m.)

20 (Upon resuming in open session at 11.36 a.m.)

21 THE COURT USHER: All rise.

22 Please be seated.

23 PRESIDING JUDGE STEINER: Madam Witness, welcome back.

24 THE WITNESS: (Interpretation) Good morning.

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

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1 madam?

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

3 PRESIDING JUDGE STEINER: I'll give then the floor to Maître Douzima.

4 Maître Douzima?

5 MS DOUZIMA LAWSON: (Interpretation) I thank you, Madam President.

6 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation)

7 Q. Madam Witness, good morning.

8 A. Good morning.

9 Q. Madam Witness, my name is Marie-Edith Douzima Lawson and I am, like  
10 Maître Zarambaud, a lawyer in the Central African Republic. I am legal  
11 representative of victims in these proceedings. I will also have a number of  
12 follow-up questions to put to you, so these questions will have a bearing upon  
13 answers you have provided throughout yesterday and today's hearings and also the  
14 hearing of Friday, 30 August.

15 Madam Witness, first of all, at the time of the events, even if you did not leave your  
16 house, were you aware of any information given out by the local press on the events  
17 at the time? For example, well, what did you -- what did you hear broadcast over  
18 the radio?

19 A. No.

20 Q. When you were saying -- this was at yesterday's hearing on page 18, line 26,  
21 that's transcript 341, you said that women were being raped, that people were being  
22 killed and people were being looted. How did you come about this information?

23 A. Counsel, well, you know the answer to the question you have just put to me.

24 You know that in Bangui there were abuses. There were rapes. You are putting a  
25 question to me whilst you are already in possession of the answer. I cannot lie with

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1 regard to this. I do not know.

2 Q. Madam Witness, my question is simple. You stated that women were raped,  
3 that people were killed, that people were looted, and I wanted to know how it was  
4 that you came about this information.

5 A. Well, the example of the other case, the other woman who was raped, there was  
6 gun-fire overnight. She came out of the house and, when she came back, she told us  
7 about it. After the liberators entered the location, the houses, well, that were broken  
8 into that were looted, well, who did it? That's the truth.

9 Q. Well, quite. With regard to the looted houses, how was it that you came about  
10 this information?

11 A. I know this because it was being talked about in the area, in the locality. I went  
12 through that area. We went to Kilometre 5 and, even on the way back, I went  
13 through there and the house was shown to me. I know that house very well; the  
14 house that I mentioned. It is located on a road that I use to go to Kilometre number  
15 5.

16 Q. And were you told who looted it?

17 A. No, in this specific instance I saw this with my own eyes. They came in a  
18 vehicle, they broke the door down with their weapons and started to loot the house.

19 Q. And when was that?

20 A. I did not retain the date. I am just telling you what I saw.

21 Q. Yesterday, at page 23, line 1, of the transcript 341, Madam Witness, you said  
22 that you had heard talk of soldiers who had come from the other side of the river.  
23 Now, when you heard about those soldiers who had come from the other side of the  
24 river, did you -- or were Bozizé's rebels still in your locality at that time?

25 A. Since yesterday, I have been stating that I have no information with regard to

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1 the soldiers you have just mentioned. I have not attempted to glean which soldier  
2 comes from which army. When I was a victim of this rape, I remained inside my  
3 house.

4 Q. So you say that you heard about soldiers who came from the other side of the  
5 river. What type of reputation did those soldiers from the other side of the river  
6 have?

7 A. As I said, I do not know.

8 Q. Transcript 341 of 30 August, in the edited version, page 11, line 7, Madam  
9 Witness, when you were asked whether you saw General Bozizé's soldiers, you  
10 answered at line 1, "I came here to testify with regard to what happened to me."  
11 Now, in response to my question do not tell us what has happened to you. We are  
12 already aware of that. Who told you that you were coming to testify here solely with  
13 regard to what happened to you?

14 A. Nobody told me that. This was a decision that I made. I am prepared to  
15 testify as to what happened to me on the first occasion and that first opportunity has  
16 presented itself today.

17 THE INTERPRETER: Overlapping of speakers.

18 PRESIDING JUDGE STEINER: Yes, Maître Douzima. Just for you to wait, because  
19 we need to wait for the English translation.

20 Madam Witness, when you started testifying before this Court, you made an oath that  
21 you were going to tell the truth and the whole truth. You cannot choose what  
22 questions you want to answer. You have to answer to all questions that are put to  
23 you, unless the Presiding Judge decides that the question is not relevant or the  
24 question is too intrusive. It's the Presiding Judge who decides. It's not you. So  
25 please, when the question is put to you, you have to answer it. If you don't know the



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1 answer, you just say, "I don't know the answer," but you cannot choose the ones you  
2 can answer to.

3 Do you understand that, madam?

4 THE WITNESS: (Interpretation) I do understand.

5 PRESIDING JUDGE STEINER: Thank you, madam.

6 Maître Douzima, you have the floor.

7 MS DOUZIMA LAWSON: (Interpretation) I thank you, Madam President.

8 Q. Madam Witness, you have just answered me by saying that, "This was a  
9 decision that I took for myself. I am ready at the first opportunity and this first  
10 opportunity has come into being today." This is real-time transcript, page 29, lines  
11 16 to 18. And, Madam Witness, at an earlier stage, that same transcript, lines 25 to 26,  
12 you said the same thing, that you had personally come -- decided to come to testify as  
13 to what happened to you.  
14 So you had already decided to come to testify with regard to what happened to you  
15 and the opportunity had presented itself, and has presented itself today, in fact. So  
16 when was it that you took the decision, were the opportunity to present itself, to come  
17 and testify?

18 A. When the events occurred, I was downcast. I cried and that's when I made that  
19 decision. So that is a very long time ago.

20 Q. Since 2002/2003?

21 A. Yes, a short -- some time after the abuses.

22 Q. Madam Witness, at yesterday's hearing, real-time, page 11, line 7, you stated as  
23 follows: "What I am asking you is to try and arrest all those who committed abuses  
24 in Bangui," end of quote. Do you remember having made that statement?

25 A. Yes.

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1 Q. Now, when you talk about all of those people who committed abuses, who are  
2 you talking about?

3 A. I am talking about the liberators who committed many an abuse and also those  
4 who raped me. Bozizé's men, they subjected the population in Bangui to much  
5 suffering. Now, if the opportunity arises, it is necessary for them to be arrested and  
6 tried because they committed abuses and they mistreated the civilians.

7 PRESIDING JUDGE STEINER: Maître Douzima, if you allow me, before it gets lost.  
8 Madam Witness, twice in the last five minutes you referred to the perpetrators as "the  
9 liberators." Who are "the liberators" and why you call them "liberators"? Liberators  
10 of what?

11 THE WITNESS: (Interpretation) They go by the name of "liberators," because their  
12 objective was to release the civilians from the suffering and from Patassé and it was  
13 the Bozizé's men who were supposed to come and liberate the population from its  
14 suffering.

15 PRESIDING JUDGE STEINER: If I well-understood, when you're talking about "the  
16 liberators," you are referring to Bozizé's men; is that correct?

17 THE WITNESS: (Interpretation) Yes, that is correct.

18 PRESIDING JUDGE STEINER: Thank you.  
19 Judge Aluoch?

20 JUDGE ALUOCH: Madam Witness, I have a follow-up question on the testimony  
21 that you have just given a few minutes ago. The real-time transcript, page 26, you  
22 talked of an incident which you saw with your own eyes, an incident of pillaging, and  
23 you referred to the house as a house that you know. This was in Kilometre 5. Were  
24 you able to see -- since you said these men were in a vehicle, were you able to see how  
25 these men were dressed? These were -- these men who were pillaging this house,

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1 can you describe to us, please?

2 THE WITNESS: (Interpretation) I would like to move into private session for my  
3 answer.

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

5 (Private session at 11.57 a.m.) \* Reclassified as Open session

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

7 PRESIDING JUDGE STEINER: Answer to the question put by the Judge, Madam  
8 Witness.

9 THE WITNESS: (Interpretation) I know the house. This was a soldier, a liberator.  
10 He was speaking Sango. He was wearing military garb. They broke down the door  
11 of the house and took out all of the goods, the property, such as the television and the  
12 freezer. These were liberators.

13 I saw him with my own eyes. He took away all of the booty and took it to their base.  
14 These were people wearing military garb and they were armed. They were in a  
15 military vehicle.

16 PRESIDING JUDGE STEINER: Madam Witness, we are going back into open  
17 session. There was no need at all for this answer to be given in closed session -- in  
18 private session, but in any case we are going back into open session.  
19 Court officer, please.

20 (Open session at 11.59 a.m.)

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

22 MS DOUZIMA LAWSON: (Interpretation)

23 Q. Madam Witness, when did the events that you've just described occur? Could  
24 you give us maybe the year and the month as well?

25 A. The events I have just described are part and parcel of the time when they raped

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1 me. That is the destruction of houses, looting, and the other hold-ups, well, these  
2 were all perpetrated at a much later date. I no longer recall the date.

3 Q. Was this when Bozizé took over power?

4 A. Yes.

5 MS DOUZIMA LAWSON: (Interpretation) Madam Witness, for my last question I  
6 would like us to go into closed session.

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

8 (Private session at 12.01 p.m.) \* Reclassified as Open session

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

10 MS DOUZIMA LAWSON: (Interpretation)

11 Q. Madam Witness, a short while ago, page 6, lines 3 to 5, you said that you know  
12 (Redacted), a friend of your husband's. Did you know his house, at least at that time?

13 A. I do not know his house.

14 MS DOUZIMA LAWSON: (Interpretation) Thank you, Madam Witness. I have  
15 no further questions for you.

16 Madam President, I'm done.

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

18 (Open session at 12.03 p.m.)

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

20 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima.

21 Madam Witness, I have two or three clarifications to ask from you. In your  
22 testimony on Friday - and it's transcript 340, page 14, starting on lines 21 - you were  
23 asked about the men that attacked you and you said, when Defence asked  
24 whether -- what they were wearing, you said, "Some did not have anything on their  
25 heads. Now, about their attire, they were wearing military uniforms." Today, on

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1 page 10, line 6, you say, "They were not very well-dressed."

2 So could you clarify the Chamber, please, how those three men were dressed when  
3 they attacked you?

4 THE WITNESS: (Interpretation) I would like to say that their clothes were very  
5 dirty. That is what I meant to say. They were wearing military uniforms, but those  
6 uniforms were very dirty.

7 PRESIDING JUDGE STEINER: Thank you for the clarification.

8 THE WITNESS: (Interpretation) The uniforms were dusty.

9 PRESIDING JUDGE STEINER: And the three of them were wearing uniforms? All  
10 three?

11 THE WITNESS: (Interpretation) In fact, there were five of them. Two of them  
12 were standing up and it was the three others who --

13 PRESIDING JUDGE STEINER: I understand, madam. I just wanted you to confirm  
14 then whether the five of them were wearing dirty uniforms.

15 THE WITNESS: (Interpretation) Can you kindly repeat your question, madam?

16 PRESIDING JUDGE STEINER: My question is, madam, whether all of them were  
17 wearing uniforms?

18 THE WITNESS: (Interpretation) Yes, they were wearing military uniforms.

19 PRESIDING JUDGE STEINER: Thank you for the clarification, madam.

20 Madam Witness, also on Friday, when Mr Haynes, the Defence counsel, asked you  
21 what language did the soldiers speak to you and you answered that they spoke to  
22 you in Sango, "One of them spoke in Lingala." This one that spoke in Lingala, do  
23 you know why he spoke to you in Lingala and what exactly he said to you in Lingala?

24 THE WITNESS: (Interpretation) He was speaking to his comrades in Lingala,  
25 asking them to leave me alone. That's what he was saying. He was asking them to

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1 stop and saying that it was enough. Later on, he started speaking with the other one  
2 who beat up my husband.

3 PRESIDING JUDGE STEINER: Thank you very much for the clarification.

4 Now I ask, please, court officer to turn briefly into private session.

5 (Private session at 12.10 p.m.) \* Reclassified as Open session

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

7 PRESIDING JUDGE STEINER: Mr Witness, I'm sorry. I need a clarification on an  
8 issue that may be painful to you to remember, but you said in your testimony that  
9 your attackers they undressed you; is that correct?

10 THE WITNESS: (Interpretation) Yes.

11 PRESIDING JUDGE STEINER: When your husband came to save you from your  
12 attackers, were you still undressed?

13 THE WITNESS: (Interpretation) Yes.

14 PRESIDING JUDGE STEINER: Thank you for the clarification.

15 Madam Witness, after a few days or a few weeks, did your husband take you to a  
16 hospital?

17 THE WITNESS: (Interpretation) Yes, it was quite a long while after that.

18 PRESIDING JUDGE STEINER: Is it because you were hurt, or you were physically  
19 injured, after you were attacked?

20 THE WITNESS: (Interpretation) He took me to the hospital for me to do an AIDS  
21 test.

22 PRESIDING JUDGE STEINER: And to which hospital he took you?

23 THE WITNESS: (Interpretation) It was a hospital in (Redacted). Later on we went to  
24 the General Hospital, and I am speaking about a centre in the General Hospital where  
25 blood tests are carried out.

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1 PRESIDING JUDGE STEINER: I understand and I'm satisfied I asked all  
2 clarifications I needed, but Judge Aluoch still has one more point to seek clarification.

3 JUDGE ALUOCH: Madam Witness, it is only one point about this incident and I'm  
4 sorry I am coming back to it. Is this an incident that you kept between you, your  
5 husband and your mother, or do you think your neighbours -- or are you aware that  
6 your neighbours ever got to know about it? Did you keep it a secret within the  
7 family?

8 THE WITNESS: (Interpretation) We kept it a secret; a secret that was kept by  
9 myself -- between myself, my husband and my mother.

10 JUDGE ALUOCH: Thank you very much.

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

13 (Open session at 12.15 p.m.)

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

15 PRESIDING JUDGE STEINER: Thank you very much for the clarifications, madam.  
16 I ask now whether Defence would like to redirect any question to the witness?

17 MR HAYNES: No, thank you, your Honour.

18 PRESIDING JUDGE STEINER: Madam Witness, thank you very much for your  
19 efforts. This now concludes your evidence; your testimony. Before you leave,  
20 madam, I want, as with all other witnesses in this case, to express the thanks of the  
21 Judges for the time you have taken and the efforts you have made in order to give  
22 evidence in this trial.

23 Madam, in order for Judges in a court to find the truth, it is crucial that witnesses  
24 such as yourself are prepared and willing to give evidence and to assist the Judges on  
25 the relevant issues of a case.

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1 We are aware that this may have been inconvenient for you. We could see that you  
2 show some signs of stress, some health issues, you left your family behind. For all  
3 these reasons, Madam Witness, we thank you very much for accepting in coming and  
4 giving testimony in this case and you leave us with our sincere thanks.

5 Before you leave, madam, and as with all other witnesses in this case, I would like to  
6 ask whether there is anything that you would like to tell the Judges. If there is  
7 anything you would like to tell us, please feel free. This is the opportunity you have  
8 to talk to the Judges, if you so wish.

9 THE WITNESS: (Interpretation) I would like to ask you simply to be vigilant with  
10 regard to the Central African Republic so as to arrest all the perpetrators of the crimes  
11 committed in the CAR. They must all be arrested. That is what I wanted to tell you.  
12 Even all those who attacked me should be arrested.

13 PRESIDING JUDGE STEINER: Thank you very much, Madam Witness. This is  
14 exactly the Court's hope and it's to find the truth and that justice be done. Thank  
15 you very much, madam.

16 I ask, please, Miss Fatiah to accompany the witness outside the court -- the  
17 transmission room.

18 THE COURT OFFICER (via video link): Yes, Madam President.  
19 (The witness leaves the video-link room)

20 PRESIDING JUDGE STEINER: Before we adjourn, the Chamber has an oral decision  
21 to be issued. It's the oral decision -- it's the oral decision requesting information in  
22 relation to the schedule for the completion of the presentation of evidence by the  
23 Defence.

24 According to the latest witness schedule, Witness D04-30 was to be followed by  
25 Witness D04-15, who was expected to start his testimony via video link on



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1 3 September 2013; today. Following the testimony of Witness D04-15, the Defence  
2 intended to call Witnesses 44, 14 and 41.

3 During the hearing on 29 August 2013, the Defence submitted that the Victims and  
4 Witnesses Unit had informed the Defence that Witness D04-15 would not be available  
5 to give evidence on 2 or 3 September as scheduled (transcript 339-Conf edited version,  
6 page 64, line 23, to page 66, line 7).

7 Further to these submissions, the Chamber (by email of 30 August 2013) inter alia  
8 instructed the Defence to formally file by 3 September 2013 a confidential report on  
9 the availability of Witness D04-15.

10 In addition, during the same hearing of 29 August 2013, the Chamber asked the  
11 Defence whether it still intended to call Witnesses 54, 32, 33, 27, 37, 38, 34, 35, 10 and  
12 22, who were not included in the aforementioned schedule.

13 Further to the Chamber's enquiry, the Defence undertook to provide this information  
14 in the first half of the current week (transcript 339-Conf edited, page 67, lines 10 to  
15 19).

16 The Chamber further notes that it is still expecting an update on the timing of the  
17 testimony of the accused. In this regard, the Chamber notes that during the status  
18 conference on 27 June 2013, further to the Chamber's inquiry, the Defence submitted  
19 that it was "a little premature" to confirm whether the estimate of five hours of  
20 questioning by the Defence was still accurate. That is transcript 331.

21 In the view of the foregoing and pursuant to its powers under Article 64(2) and (6)(f)  
22 of the Statute, for planning purposes and in order to give the parties and participants  
23 meaningful time for preparation and to minimise gaps in the presentation of evidence  
24 by the Defence, the Chamber instructs the Defence to file by Friday, 6 September 2013,  
25 a report on the schedule for the completion of the presentation of evidence by the

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1 Defence. In this report, the Defence is to:  
2 (a) provide an order of appearance of all remaining witnesses the Defence intends to  
3 call before the 25 October 2013 dead-line;  
4 (b) provide an estimate as to the anticipated time of questioning of the accused by the  
5 Defence, and to confirm whether the accused intends to testify or to make an unsworn  
6 oral or written statement in his defence in accordance with Article 67(1)(h) of the  
7 Statute.

8 In addition, the Prosecution and legal representatives of victims are instructed to  
9 provide their estimates of the questioning time for the accused by Monday,  
10 9 September 2013, as the case may be.

11 Having finished with the testimony of Witness -- Defence Witness number 30, and  
12 having no witnesses scheduled to start testifying this week, we are going to adjourn  
13 and the parties will be informed - parties and participants and the public will be  
14 informed - on the next schedule of witnesses' testimony in the present case.

15 I thank you very much the Prosecution team, legal representatives of victims, the  
16 Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters,  
17 our court reporters.

18 Thank you very much, Miss Fatiah.

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

20 PRESIDING JUDGE STEINER: And we wish you a safe journey back to The Hague.

21 This hearing is adjourned.

22 THE COURT USHER: All rise.

23 (The hearing ends in open session at 12.27 p.m.)

24 RECLASSIFICATION REPORT

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

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0030

- 1 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.