

Sentencing Hearing
WITNESS: CAR-OTP-PPPP-0925

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 2
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 Tuesday, 17 May 2016
8 (The hearing starts in open session at 9.32 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, everyone.
13 Could please court officer call the case.
14 THE COURT OFFICER: Thank you, Madam President.
15 The situation in the Central African Republic in the case of the Prosecutor versus
16 Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
17 For the record, we are in open session.
18 PRESIDING JUDGE STEINER: Good morning. I welcome the Prosecution team,
19 Legal Representative of Victims, the Defence team, Mr Jean-Pierre Bemba Gombo.
20 I welcome our interpreters and court reporters.
21 And good morning, Dr Reicherter.
22 CAR-OTP-PPPP-0925 (On former oath)
23 THE WITNESS: Reicherter.
24 PRESIDING JUDGE STEINER: Reicherter.
25 THE WITNESS: Yes. Thank you.

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1 PRESIDING JUDGE STEINER: I'm getting better.

2 THE WITNESS: It's good, it's fine.

3 PRESIDING JUDGE STEINER: Dr Reicherter, we're going to proceed with your
4 testimony this morning. I just wanted to remind you that you are still under oath.
5 You understand that?

6 THE WITNESS: I do.

7 PRESIDING JUDGE STEINER: And today we'll have the Defence questioning.
8 And for that purpose I give the floor to Mr Haynes.

9 MR HAYNES: Good morning, your Honour. Good morning everybody in the
10 courtroom.

11 QUESTIONED BY MR HAYNES:

12 Q. Good morning, Dr Reicherter.

13 A. Good morning.

14 Q. I just want to start by saying thank you very much for coming. I know you've
15 had a dog of a journey. You must be very tired and a little bit jet-lagged. But it's
16 been a pleasure to listen to your evidence so far.

17 The second thing I want to say is, like everybody else here, I've got a time limit on me.
18 And much as I'd like to go out and have dinner with you and talk about these things
19 for hours, I've got an hour.

20 A. Sure.

21 Q. So if it appears that I'm firing things at you, it's not out of any disrespect or
22 rudeness. It's because I'm limited in time, okay?

23 A. I'll do my best to keep the time.

24 Q. I'm sure you will. Can we agree that the central premise of your evidence is
25 that victims of sexual violence in the Central African Republic are likely to have

1 mental health issues from their suffering in this case such as you understand it to be?

2 A. Yes.

3 Q. And have you considered just sexual violence or have you considered other
4 crimes that might give rise to mental health issues?

5 A. The thesis of our report is really about the sexual violence, the rapes that
6 occurred specific to this case.

7 Q. And have you through your anecdotal experience, that's your word, or any of
8 the literature you've considered discovered that people suffer mental health issues
9 from other crimes such as forcible displacement from their homes, torture,
10 enslavement or inscription into armed forces as child -- as children?

11 A. Yes.

12 Q. And it's the case that all of those crimes are likely to have similar mental health
13 issues arising from them in the victims?

14 A. Yes. So, you know, when we think about a diagnosis like PTSD, the central
15 premise of that diagnosis is that there is at least one violent situation that can
16 stimulate these symptoms. I think, I think that rape actually, you know, is one of the
17 most likely of all of those situations to cause the mental health problems that I
18 discussed yesterday.

19 Q. And going back to the central premise of your evidence, it is that those mental
20 health issues are likely to exist now in 2016 and in the future, or is it that they have
21 done in the past?

22 A. So, yeah, so very often PTSD and other mental health issues become chronic
23 ones and continue to last, continue to be seen at different markers of time. So that if
24 I interview a rape survivor five years after the incident or 10 years after the incidence,
25 you know, very often that individual will still have residual, lasting, chronic mental

1 health issues.

2 Q. And do you have it in your mind the fact that we're concerned with events that
3 are now 13 or 14 years ago?

4 A. Yes. I'm aware of that, yes.

5 Q. Now, you were provided with certain materials by the Prosecution, and let's
6 check them off. You've got Dr Tabo's report?

7 A. I did.

8 Q. Dr Akinsulure-Smith's report?

9 A. Yes.

10 Q. And the transcripts of the victims who gave evidence in this case?

11 A. Yes.

12 Q. Anything else that I'm missing?

13 A. From this Court? I don't think so. I think those are the main items.

14 Q. And did you conduct any research of your own about events in the Central
15 African Republic?

16 A. Well, we did, we did do a literature search about -- so as part of our general
17 literature search, we did a couple of things. We, number one, sort of wanted to look
18 at evidence around sexual violence, rape, generally speaking the sciences that is
19 understood. And then we tried to look at specific examples that could bring us
20 closer and closer to events in Central African Republic.

21 So we did look at cases in Africa, and there is not a lot of published data from Central
22 African Republic, more from Congo.

23 Q. Okay. Well, we may come back to that. Now, in the report you mention the
24 dates upon which Dr Tabo gave evidence to the Chamber. That's April the 12 to the
25 14 of 2011. But do you have it in mind that it was a long time before that that he last

1 spoke to any of those affected by these events?

2 A. I'm not sure of the date that he spoke to them.

3 Q. Well, let me tell you.

4 A. Sure.

5 Q. His two missions to the Central African Republic were in 2005 and 2006. So
6 the most recent being 10 years ago.

7 A. Yes.

8 Q. Were you aware of that in making your conclusions?

9 A. Well, I'm aware that they happened some time ago. I couldn't have told you
10 the dates off the top of my head.

11 Q. And, in fact, the substantive review he conducted was in 2005, so 11 years ago.
12 It was on that occasion that he discovered that 100 per cent of the people he
13 interviewed in the psychiatric department of Bangui Hospital exhibited some
14 symptoms of PTSD.

15 Does it surprise you that 18 to 24 months after a war had ended you find everybody
16 in a psychiatric hospital is exhibiting some symptoms of PTSD?

17 A. No. Well, I'm not surprised at all by his findings, no.

18 Q. I mean, they're in a psychiatric hospital and it's 18 months after a war has
19 ended.

20 A. Right.

21 Q. So that's not really a very staggering statistic, is it?

22 A. It is a staggering statistic in this way. You know, I mean, most of the people
23 that would fill a psychiatric hospital would not necessarily have Post-Traumatic
24 Stress Disorder. I mean, I think that his, his, his -- the group that he's interviewing
25 has a selection bias. They're there because they've been traumatised, right. So in

1 other words, if you came to Stanford hospital, the hospital that I work in, and took a
2 sample of how many people have PTSD versus other mental health disorders, it
3 would be quite different. I mean, they're self-selecting because they have symptoms
4 of traumatic experience, I'm guessing.

5 Q. Now, you wouldn't venture a clinical diagnosis on the basis of information that
6 was 10 years old, would you?

7 A. Can you ask the question again?

8 Q. The information that Dr Tabo obtained from people in 2005 is not sufficient for
9 you to make any diagnosis of that person's condition now in 2016?

10 A. Correct, right. So in psychiatry, diagnosis are ones that evolve, right. And so,
11 in fact, a 10-year-old diagnosis of almost any disorder would have to be reconsidered,
12 even one where we're pretty sure that it has a chronic and longitudinal outcome, we'd
13 still want to reassess that diagnosis.

14 PRESIDING JUDGE STEINER: Mr Haynes, I'm sorry to interrupt you. Maybe
15 because the two of you speak perfect English, both Mr Haynes and the witness forgot
16 the 5 seconds golden rule.

17 THE WITNESS: 5 second rule. Sorry.

18 PRESIDING JUDGE STEINER: Which is making the lives of our interpreters a little
19 bit difficult.

20 THE WITNESS: Okay.

21 PRESIDING JUDGE STEINER: So please be attentive to that. Thank you.

22 MR HAYNES: My fault, not yours.

23 THE WITNESS: I was doing the same thing.

24 MR HAYNES:

25 Q. You just did.

1 Now, Dr Akinsulure-Smith conducted no interview or clinical examination so far as
2 you're aware; is that right?

3 A. I don't have any evaluations that she did.

4 Q. I've got somebody holding a hand up to me now.

5 And the testimony of the victim witnesses who gave evidence before this Court, I'll
6 put this to you, that that was all heard in 2010 and 2011, so five to six years ago.

7 Would the content of that be affected by the same qualification you gave to Dr Tabo's
8 content with victims?

9 A. Yeah, I think, I think the way to answer what you're trying to ask is that
10 psychiatric diagnosis can evolve in time. With chronic PTSD, the prediction is that it
11 will last. I described before with survivors of torture, the diaspora or Cambodians in
12 the United States, where we're basically reevaluating them on a regular basis and
13 their symptoms are not unchanged. But I cannot assume that they will be
14 unchanged. I can predict that they may be unchanged, but I must reassess to make
15 sure.

16 Q. So would it be fair to say that without reassessment, you don't know what the
17 psychiatric evaluation of the people spoken to by Dr Tabo would now be?

18 A. I would say with generally any medical diagnosis, you know, we have to have a
19 current diagnosis.

20 Q. Thank you. That's very fair of you.

21 Now, we've talked a lot about PTSD. And PTSD is a chronic and debilitating mental
22 illness.

23 A. Can be.

24 Q. It's not to be confused with being anxious, having anxiety, or being stressed or
25 having co-morbidity or just, you know, being worried about something. It's rather

1 more than that, isn't it?

2 A. Yes. So PTSD is one possible outcome of traumatic experience. And I hoped
3 to have clarified that yesterday. It's one of many very serious mental health
4 outcomes that can be the result of traumatic experience like rape.

5 Q. This is a real layman's question, but of the trauma-based mental health
6 outcomes -- sorry, of the trauma-based mental health conditions, would you consider
7 it to be the worst?

8 A. I'm not sure, I'm not sure how to answer that question. It is, it is a common
9 one. It is something that researchers will examine maybe more regular than others.
10 But there are other outcomes that potentially could be worse. An example is, you
11 know, mental health outcome based on a bludgeoning to the head, you know, could
12 leave somebody in a more dysfunctional condition where they have not only all the
13 symptoms consistent with PTSD, but also what we would call traumatic brain injury
14 or a different psychiatric and neurological problem as a result of bludgeoning.
15 That's just one example.

16 Q. Okay. But in order to diagnose PTSD, a properly qualified medic would need
17 to examine the patient and ask a series of targeted questions in order to ascertain
18 whether the symptoms merited the diagnosis?

19 A. That's correct. Clinical diagnosis is the gold standard.

20 Q. And according to the DSM, he'd be looking for four symptoms, intrusive
21 thoughts, the avoidance of stimuli related to the trauma, negative mood or thought
22 changes and hyper-arousal?

23 A. That's correct. That's according to DSM-V.

24 Just for a clarification, this might help you, the DSM was updated in 2013. So there
25 is, there is a standard for measurement under DSM-IV that's only slightly different

1 from the standard for measurement under DSM-V, roughly identical.

2 Q. I'll make it my work to go and read it.

3 A. No. I just wanted to be clear ICD-9, ICD-10, the DSM, they all have slightly
4 different wordings for the same condition.

5 Q. Now, a number of researchers have discovered that sexual violence is one, if not
6 the most common trauma causing stress disorders; that's right, isn't it?

7 A. For women.

8 Q. Yes. And for men it's combat, isn't it?

9 A. Usually, yeah.

10 Q. And it's almost at the same percentage, that the percentage of women who
11 suffer a stress disorder from rape is 62 per cent according to Kessler and 57.7 per cent
12 it's combat?

13 A. Yeah.

14 Q. Or conflict or war?

15 A. Something like that. I'm aware that the statistics are slightly higher for
16 survivors of rape than combat survivors.

17 Q. And according to your report, the explanation for the high prevalence of
18 symptoms of PTSD amongst the Bangui patients that Dr Tabo interviewed is that they
19 were involved in armed conflict. Have you got your report in front of you?

20 A. I don't.

21 Q. Okay. Well, I'll wait for your answer then.

22 A. Well, I think the thesis of our report was mostly that these were survivors of
23 rape, rape being --

24 PRESIDING JUDGE STEINER: Sorry, I'm asking the Prosecution to provide the
25 witness with a copy of his report.

1 THE WITNESS: Okay.

2 PRESIDING JUDGE STEINER: Thank you very much.

3 THE WITNESS: Again, I mean, I think this report is -- the major message of this
4 report is that these are women who are raped in the context of a conflict. They were
5 not themselves soldiers or in combat, they were civilian victims of rape and mass
6 rape.

7 MR HAYNES:

8 Q. But is it the case that the experience of being in a conflict or being involved in a
9 war is of itself a high risk factor in a subsequent PTSD diagnosis?

10 A. All right. Well, I mean, the -- you know, and I think yesterday I was talking
11 about protective factors and risk factors, and maybe it's a good time for me to return
12 to that.

13 So a woman who is raped in the context of an unsafe situation, like a conflict, you
14 know, it is more likely to go on to develop symptoms of PTSD or poor mental health
15 outcomes than someone who is raped but has a very stable social situation to return
16 to.

17 We're hearing in the readings that we were given about women who were -- who
18 were raped in front of their family and then the husband's murdered in front of them,
19 right. So all of the risk factors for going on to develop PTSD is sort of made blatant
20 in that act. So not only were they the survivors of rape, but then any kind of
21 supportive factor that might have mitigated against them developing a mental health
22 disorder were eliminated.

23 Q. Okay.

24 MS BALA-GAYE: Sorry to interrupt, Mr Haynes.

25 Madam President, we're just wondering if he could provide a reference to allow us to

1 better follow the report because he referred to an extract within the report. Thank
2 you.

3 MR HAYNES: It's page 10.

4 "When the experience of sexual assault is coupled with exposure to conflict, the risk
5 for PTSD is increased (previous research indicates that PTSD rates can double
6 following exposure to combat and conflict)."

7 It's the last paragraph of page 10.

8 THE WITNESS: Right, I mean I guess this is a good place for me to point out that,
9 you know, exactly what we see when rape is used as a weapon of war.

10 You know, when rape occurs in a context of conflict and other violence, it does
11 predict for worse mental health outcomes; in other words, it eliminates the mitigating
12 factors that might make someone more safe and therefore unable to have less risk for
13 going on to developing PTSD.

14 MR HAYNES:

15 Q. But the point's really this: You would have expected Dr Tabo in 2005 to find
16 relatively high rates of PTSD amongst the patients at Bangui hospital as much
17 because of the conflict as because of anything else?

18 A. No, that's not true. He was specifically looking at mostly at rape survivors,
19 and again rape being, you know, in my mind the major stimulus or the major part of
20 criterion A for developing PTSD in his patient population.

21 Q. Can we stay on that page, please.

22 A. Sure.

23 Q. If you've got -- you've got your report now?

24 A. Yes.

25 Q. And we just go on a couple of sentences. And it's a sentence that Ms Bala-Gaye

1 asked you to look at yesterday:

2 "While increased prevalence rates are expected for a population of rape victims, the
3 alarmingly high rates of post-traumatic distress in the current population in the
4 Central African Republic underscore the heinous and pervasive nature of the crime."

5 By "current population", do you mean the population now?

6 A. I'm sorry, I don't understand the question.

7 Q. Well --

8 A. Are we talking about the -- I'm looking at it, and it looks to me like we're talking
9 about the population that Tabo reported on from his report and not a population that
10 I can talk about right now.

11 Q. Thank you. That's --

12 A. Is it --

13 Q. -- what I was asking you. So when we read that sentence --

14 A. Right.

15 Q. -- we should read it as meaning the --

16 A. At that point in time.

17 Q. -- alarmingly high rates of post-traumatic stress disorder in 2005?

18 A. Yeah.

19 Q. Yeah.

20 A. Yeah. I mean, I -- you know, I cannot -- I cannot with 100 per cent accuracy
21 predict what they would look like in 2016, today.

22 Q. Well, I might be able to help you with that in a few minutes.

23 Now, PTSD isn't always chronic, is it?

24 A. No.

25 Q. There has been quite a lot of research into its persistence. I'm not going to say

1 the leading paper, it just happens to be one of the few I had the time and took the
2 trouble to read, but the National Comorbidity Survey, conducted by Kessler and
3 others.

4 A. Mmm-hmm.

5 Q. And it's a paper that's referred to extensively in your report. Kessler
6 interviewed 5,877 people, including those who had been raped and those who had
7 been involved in combat situations, didn't he?

8 And his findings were that the median time to remission of symptoms was 36 months
9 for those who received treatment and 64 months for those who didn't; do you recall
10 that?

11 A. Okay.

12 Q. So on average, people, to put it in simple terms, get over PTSD in three to five
13 years?

14 A. Well, so in one paper where he's talking about a specific cohort of people, that's
15 his finding.

16 Q. But that's the average rate of remission is three to five years?

17 A. I'm not sure that I would agree with that. Now, because I work in a population
18 that is with a different kind of traumatic background, maybe more severe than what
19 he's talking about, right, you know, our experience in the world of human rights
20 crimes and torture is not so. It's more similar to the Cambodian diaspora, which is,
21 sort of, a more chronic picture with more comorbidity than what I think is talked
22 about in his paper.

23 Q. But that was a genocide, wasn't it?

24 A. Well, right, but you're asking me if I think that that's an accurate general
25 depiction that PTSD will resolve without treatment after a certain number of months,

1 right. Is that what you are asking me? Or are you asking me if that was what his
2 paper is saying?

3 Q. Your report is based, on my reading of it, upon the vast and rich scientific
4 literature in psychology?

5 A. Yeah.

6 Q. And your own undoubted experience as a treating psychiatrist. And doubtless,
7 you know, your anecdotal evidence is very valuable because those are people you
8 have met, but equally, I think you say the major basis of the report is psychiatric
9 literature.

10 A. Yeah.

11 Q. And what I'm suggesting to you is that psychiatric literature suggests that PTSD
12 has a shelf life?

13 A. Well, again, you're taking one, one of the pieces of psychiatric literature, right.
14 I mean, there are other pieces of psychiatric literature that we refer to in here, again
15 like the Cambodian diaspora that shows an ongoing chronic version that does not
16 seem to resolve.

17 Q. Okay. Well, we'll move on then. Can we go over to page 11 because this I
18 think is what you are saying. You say in the second paragraph:

19 "The evaluation of PTSD symptomatology likely does not fully capture or characterise
20 the entire range of psychological consequences of trauma exposure. In particular,
21 psychiatric sequelae of trauma may extend beyond the classic symptoms of PTSD
22 when (1) the victim is a child and still undergoing development (which lasts until
23 approximately the age of 25), (2) the victim has experienced more than one traumatic
24 event in his or her lifetime, and/or (3) the trauma is experienced within the context of
25 a caregiving or support system that does not ensure safety and stability."

1 Now, I want to explore that with you. What do you know about the Central African
2 Republic?

3 A. Can you ask -- I'm not sure how to answer that question. I --

4 Q. What do you know about its recent history?

5 A. That it is one of conflict.

6 Q. Do you know when the most recent conflict occurred?

7 A. I am understanding that conflict has been a problem there for many years.

8 Q. Do you know whether there has been any conflict since the events of 2002-2003?

9 A. I'm aware there has.

10 Q. Do you know the details of it?

11 A. In a limited.

12 Q. I'm going to ask you to look at a document now, please. It's Defence document
13 number 17, which is CAR-D04-0005-0601. And we need to go to page 89, which is
14 the last four numbers of the -- 0689. Doctor, my screen is behind the lectern. Can
15 you tell me that you've got that up in front of you?

16 A. I have something up in front of me starting with "B. Gravity." Is that what
17 you're able to see?

18 Q. Sorry, I didn't hear what you said.

19 A. I have a report in front of me --

20 Q. Yeah, okay.

21 A. I think I'm on the page that you --

22 Q. Okay.

23 A. -- are referring to.

24 Q. I'm going to take you down to the next section which should be headed
25 "Séléka".

1 A. Okay.

2 Q. Okay. And let's read through this together. To be fair to you I'm going to tell
3 you what this document is: This is a document prepared by the Prosecution of the
4 International Criminal Court dated September 2014, and it's about the situation in the
5 Central African Republic. And it says:

6 "According to statistical analysis conducted by the Office, between December 2012
7 and July 2014, 186 reported incidents of killings could be attributed to Séléka forces,
8 resulting in some 1488 victims. From 23 March to 30 April 2013 alone, Séléka
9 allegedly killed 306 people in the Central African Republic and wounded 805 more.

10 FIDH estimated that Séléka had killed at least 400 civilians between March and
11 September 2013. With the exception of Haute-Kotto, the Office registered cases of
12 killings attributable to Séléka in each of the prefectures in the Central African
13 Republic and the commune of Bangui, between December 2012 and July 2014."

14 "The information available suggests that a significant number of crimes were
15 committed with particular cruelty. Victims were tortured before being killed, others
16 were burned alive. Pregnant women were gang raped, while others were raped
17 with family members present, adding an additional level of cruelty to the commission
18 of the crime."

19 "The alleged crimes had a severe impact on the victims, family members, affected
20 communities and the Central African Republic society as a whole."

21 PRESIDING JUDGE STEINER: Mr Haynes, sorry to interrupt you. I think -- are
22 you still in the same page?

23 MR HAYNES: No, I'm over the page.

24 MS GIBSON: The next page, at paragraph 257, the heading is "Manner."

25 MR HAYNES: Paragraph 257.

1 PRESIDING JUDGE STEINER: Yes, just in order to show --

2 MR HAYNES: Yes, I'm sorry.

3 PRESIDING JUDGE STEINER: -- to the witness.

4 MR HAYNES:

5 Q. I'm being unfair, Dr Reicherter. I assumed somebody would be following my
6 reading.

7 A. I'm listening.

8 Q. "In particular the ethnic and religious components of the violence have led to a
9 de facto partition of the Central African Republic with Séléka occupying the
10 north-east of the country."

11 Okay. I'm now going to read you another section of the report. And I hope
12 somebody can put this on the screen in front of you so you can see it. This is at page
13 91, the last four numbers of the EVD number being 0691. This is the other side of
14 this war. You should have something there that says "anti-balaka," do you?

15 A. Yes, I do.

16 Q. "According to statistical analysis conducted by the Office, between August 2013
17 and July 2014, 114 reported incidents of killings could be attributed to anti-balaka
18 forces, resulting in some 1248 victims. In January 2014 alone, anti-balaka groups
19 killed at least 492, mostly Muslim civilians in Ouham-Péndé, Ombella-M'poko,
20 Nana-Mambéré and Bangui. Out of 16 prefectures and the commune of Bangui, the
21 Office recorded killings attributable to the anti-balaka forces in 11 prefectures plus
22 Bangui, between August 2013 and July 2014. The highest number of killings were
23 recorded in Ouham-Péndé prefecture followed by the commune of Bangui and
24 Ouham prefecture."

25 Other crimes allegedly -- "Anti-balaka forces reportedly targeted with particular

1 brutality the nomadic Mbororo Muslims, against the background of customary
2 tensions between the sedentary farmers and the nomadic cattle herders. Anti-balaka
3 groups reportedly mutilated the bodies of killed Séléka fighters as well as Muslim
4 civilians suspected of being associated with Séléka forces. Anti-balaka forces
5 allegedly raped minors, gang raped victims and raped victims in front of their family
6 members, adding an additional level of cruelty to the crime."

7 "The alleged crimes had a severe impact on the victims, family members, affected
8 communities and the CAR society as a whole. In particular the ethnic and religious
9 components of the violence have led to a de facto partition of the Central African
10 Republic with anti-balaka forces occupying the northwest of the country. Targeted
11 attacks on Muslims have led to large displacements of the Muslim population.
12 According to the United Nations, by March 2014 only about 20 per cent of the total
13 Muslim population remained in the Central African Republic and fewer than 1000 of
14 more than 100,000 Muslims remained in Bangui. The massive movement of Muslim
15 populations, traditionally at the centre of the small-scale trade and commerce sectors,
16 has resulted in a shortage of goods, including medicines, and has also caused
17 significant increase in market prices."

18 Now, do you have any evidence as to whether any of the witnesses whose evidence
19 you reviewed or were directly or indirectly affected by these traumatic events in 2012
20 to 2014?

21 A. I don't know.

22 Q. No. And self-evidently, Dr Tabo cannot have talked to anybody about these
23 things in 2005 or 2006 because they were in the future?

24 A. From that point they would have been in the future.

25 Q. Does scientific literature or your experience help us to determine the impact

1 upon those directly or indirectly affected by events such as this?

2 A. Well, yes. So people who are -- have hits of trauma, people who are
3 traumatised at one stage in time, who do go on to develop mental health, poor mental
4 health outcomes are much higher risk for having more poor mental health outcomes
5 given additional traumatic experience. So my -- the science would show us that if
6 somebody who was already -- had a, you know, had a very terrible mental health
7 outcome because of rape that occurred, that's the subject of this Court, any of these
8 events would have complicated their psychiatric condition and made it worse.

9 Q. In one section of your report you talk about damage to communities, mass
10 displacement of the population and the partition of the country is a pretty concrete
11 damage to community, isn't it?

12 PRESIDING JUDGE STEINER: Mr Witness, sorry to interrupt you, it would be
13 better if you just answer the question. You are just nodding --

14 THE WITNESS: Yes.

15 PRESIDING JUDGE STEINER: -- and then the interpreters cannot have it in the
16 transcript. Thank you.

17 THE WITNESS: I'm sorry.

18 MR HAYNES:

19 Q. Are there any aspects of this more recent trauma which research would suggest
20 that it would play a greater component part in individual or collective anxiety levels
21 or mental health outcomes?

22 A. I believe that victims who have experienced both of these human rights
23 violations would be likely to have poor mental health outcomes, especially ones who
24 already were impacted, already had, you know, a poor mental health outcome or a
25 psychiatric diagnosis and then were subject to these crimes you've described.

1 Q. Does not the fact that it's more recent make it a more likely risk, a greater risk?

2 A. I'm not sure how to answer that. I mean, you know, when people have been
3 primed, when their biology has been changed by a traumatic experience, it makes it
4 much, much more likely that a subsequent trauma will cause harm.

5 Q. What about the evidently greater level of brutality in these events than what
6 you've read?

7 A. I'm not sure that I'm able to compare the level of brutality. You know, we read
8 about people who were forced to have sex with each other in front of their families.
9 We read about a six year old who was raped. We read about similar levels of
10 violence and brutality. Some of the things that you've described here are obviously,
11 you know, very shocking and brutal, but I'm not sure that I'm able to compare one
12 with the other in terms of how it might affect human psychology.

13 Q. Well, what about sheer numbers, the fact that it affected hundreds of thousands
14 of people?

15 A. I would expect that that would have a great effect on that population.

16 Q. And this, the fact that it was more protracted, is that something that makes it a
17 greater risk factor?

18 A. I'm sorry, I don't understand.

19 Q. Will it last for two years, not five months?

20 A. Chronicity is a great risk factor.

21 Q. And also this, in terms of people's fears for their safety and security, the fact that
22 the perpetrators of these crimes are still within their midst?

23 A. You're asking me to speculate about a case that -- something that's happening
24 more recently, and the science would suggest that this would be very troubling and
25 likely to cause bad mental health outcomes.

1 Q. I mean, you've said a couple of times that you don't know about the case. Did
2 you know for example that the alleged perpetrators of the offences in 2002 and 2003
3 were part of a foreign military force that went back to that country and has since been
4 disbanded?

5 A. Yes.

6 Q. What sort of relevance does that have on people's mental health outcomes, the
7 fact that they know that that's a danger that's gone away?

8 A. Well, I'm not sure that they know that that's a danger that's gone away. I
9 would be speculating to say that.

10 Q. Okay. Let's move on. The third category of or the third situation in which
11 you say the sequelae of psychological consequences might be exaggerated is where
12 the trauma is experienced within the context of a caregiving or support system that
13 does not ensure safety and stability.

14 Now, I imagine the most common example of that is where abuse occurs in a family
15 setting?

16 A. Probably the most common, yeah.

17 Q. Yeah. But equally it could occur in a care home, or an hospital, or a school or,
18 for example, if you were abused by somebody else who is supposed to be looking
19 after you, like a police officer?

20 A. Uh-huh.

21 Q. Since the events we've just been looking at, do you know who's been guarding
22 the population of the Central African Republic? It's been the United Nations, the
23 blue helmets.

24 I'd like to look now please at Defence document number 2, that's CAR-D04-005-0383.

25 And we need to go over one page, please.

1 PRESIDING JUDGE STEINER: Mr Haynes, I'm sorry to interrupt you. Judge
2 Aluoch would like to put a question.

3 JUDGE ALUOCH: This is in respect of a question you did put to the witness. I'm
4 sorry to come back to this. It's on page 24. When you asked the witness, page 24,
5 line 17:

6 "What sort of relevance does that have on people's mental health outcomes, the fact
7 that they know that that danger is gone?"

8 And the witness answered: "Well, I'm not sure that they know that that danger is
9 gone. You are asking me to speculate."

10 But I'd like to ask the witness: Assuming that they did know that the danger is gone,
11 I know you answered that you don't know, but I'm saying assuming that, would that
12 make a difference?

13 THE WITNESS: That's a -- well, so I can say it in the affirmative more than I can
14 speculate about the non-affirmative, right. So if somebody is quite aware of an
15 ever-present danger that's real, right, so in other words, if they're living in an
16 occupied place where they could be raped at any time, and that's quite a known fact,
17 that could be a risk factor for them to continue to have or develop worse mental
18 health outcomes.

19 The reality is that for women who are raped, very often their perception of safety is
20 really the element that is more interesting than the reality of safety. And after a rape,
21 the perception of safety is that their condition is no longer safe, whether it truly is or
22 not. It's one of the paradoxes that we see in post-traumatic stress disorder and other
23 post-rape events.

24 In other words, a woman who has been raped and has mental health outcomes from
25 that -- I mean, part of what happens in therapy is really trying to train them on

1 understanding that they are now safe and that can be a very difficult thing. I hope
2 I've clarified that for you.

3 JUDGE ALUOCH: Yes. Thank you.

4 THE WITNESS: So, you know, it's speculating. It's one of those things I think is
5 very much an individual reality, but generally speaking the perception of safety is
6 much more important than the reality of safety.

7 JUDGE ALUOCH: Thank you.

8 MR HAYNES:

9 Q. So if I get that correctly, part of any treatment would be to reassure those
10 victims that the perpetrators of their offences are never coming back?

11 A. Yes, that's -- well, exactly. I mean, you'd have to change their understanding of
12 the level of safety that they -- that they live in. Unfortunately that's very difficult
13 sometimes because they feel unsafe even when conditions might be relatively safe.

14 Q. But isn't that the relevance of the subsequent events, if they find that for a
15 period of two years they're unsafe when they're being guarded by people from their
16 own country, then that's going to subsume their earlier anxieties, isn't it?

17 A. I think it's going to -- I think each insult after someone's raped can make their
18 psychology more difficult to become well and more likely to continue and be chronic.

19 Q. But let me give you a simple example. I mean, if somebody shoots you in the
20 leg, you're going to walk with a limp. If you then tread on a land mine and it blows
21 your leg off you're not afflicted by the limp anymore, are you?

22 A. Yeah, I'm not sure that that analogy would apply in this. I would put it to the
23 Judges to allow or disallow that analogy.

24 Q. But it comes to that, you're not sure?

25 A. Well, I am sure that the psychology has changed. You know, in your analogy

1 what you'd have to do is cut off the head because the head's been changed by the
2 initial rape, right; in other words, your psychology has changed and maybe
3 permanently and then subsequent insults can make it worse.

4 Q. Okay. Well, we're running out of time, so let's move on. Can we go please to
5 the second page of this document.

6 MS GIBSON: Third.

7 MR HAYNES: Make it the third --

8 THE WITNESS: The second is blank.

9 MR HAYNES: -- the second one is blank.

10 THE WITNESS: Yeah.

11 MR HAYNES:

12 Q. And given the strictures of time, I'm just going to read to you the second
13 paragraph:

14 "Last summer, a disenfranchised senior employee with the United Nations leaked
15 confidential documents to the French government that showed that French soldiers
16 may have sexually abused refugee children in the Central African Republic. Instead
17 of providing safety at a displaced persons' camp in the capital city, the soldiers are
18 accused of forcing kids to perform sexual acts out of intimidation or in exchange for
19 food and money. Reports of abuse committed against a dozen children span a
20 six-month period in 2014."

21 I'm now going to very quickly go to Defence document number 7, please,
22 CAR-D04-005-0402. I've chosen this one because all the other documents are in
23 French and I didn't know whether you read French or not.

24 A. I'm afraid not, sorry.

25 Q. But this one's in English.

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1 A. I don't think I have it in front of me.

2 Q. I don't think you have either.

3 A. Okay.

4 Q. It will take a little time.

5 A. Okay.

6 PRESIDING JUDGE STEINER: Mr Haynes, are you sure that you are talking about
7 document 7 because this is also in French?

8 THE WITNESS: The document I have in front of me looks like it's in English.

9 MR HAYNES: It should be headed "Central African" --

10 THE WITNESS: Yeah.

11 MR HAYNES: -- "Republic abuse: Ban Ki-Moon 'shocked to core' by bestiality
12 report."

13 PRESIDING JUDGE STEINER: Okay.

14 MR HAYNES: Is that what you have? Yeah.

15 PRESIDING JUDGE STEINER: I'm sorry, my mistake.

16 MR HAYNES: Can we scroll it down so that Dr Reicherter can see the text.

17 "UN chief Ban Ki-Moon was 'shocked to the core' by new claims of sexual abuse by
18 peacekeepers in the Central African Republic, the organisation said."

19 "One advocacy group said on Thursday it had passed on new reports to the United
20 Nations that a soldier made four girls have sex with a dog."

21 "The United Nations said on Thursday it was investigating 108 new reports of abuse."

22 "Last year there were 69 allegations of child rape and other sexual offences by
23 peacekeepers from 10 missions."

24 "Forces were deployed in 2014 to help restore order in the Central African Republic
25 after the president was overthrown the previous year and sectarian violence gripped

1 the country."

2 Now, these are pretty shocking allegations as I'm sure you'll agree?

3 A. I think these are horrible.

4 Q. And of course they're unproven, but they've become very widely broadcast.

5 And when you talk about the effects of a crime being heinous and pervasive, is this
6 the sort of thing you have in mind, that people who think they're being guarded by
7 the United Nations might also fear that they're at risk from them?

8 A. Right. If you -- if people who have, you know, mental -- bad mental health
9 outcomes, PTSD are still in an unsafe situation or have the perception of an unsafe
10 situation, they're not likely to become better, they're likely to remain the same or
11 even -- even be more chronic for sure.

12 PRESIDING JUDGE STEINER: Microphone.

13 MR HAYNES:

14 Q. I just want to show you one last passage, and we're going back to Defence
15 document number 17, and this time I want you to look at page 91 -- no, page 47 please.
16 And can you see paragraph 115, Dr Reicherter?

17 A. Yeah.

18 Q. Okay.

19 "In August 2013 Amnesty International reported the presence of 3,500 children the
20 ranges of Séléka. In January and February 2013, the United Nations reported 27 new
21 cases of the use of child soldiers."

22 And this is the document from the Prosecution.

23 Again, very big numbers, three and a half thousand. You haven't seen numbers,
24 anything like that, in the material you've read about this case, have you?

25 A. Not in this case.

1 Q. No. So really, right on the hour, I want to go back to that paragraph at the
2 bottom of page 10. I just want to be clear, you weren't provided with this
3 Prosecution document by the Prosecution for the preparation of your report?

4 A. I don't believe I saw this document.

5 Q. Do you think it would have been useful to have material such as this relating to
6 what had happened in the Central African Republic more recently in order for you to
7 give a better overview of the current psychiatric state of individuals, the community
8 and the whole country?

9 A. Well, again, I don't think -- I think that what I've been asked to do is talk about
10 the outcomes of the crime that's in question in this Court. And, you know, I've sort
11 of been clear here also; additional insults after someone's developed poor mental
12 health outcome can only make things worse. You've shown some very egregious
13 examples of horrible human rights violations, right, but, you know, from my
14 perspective working with people who have lived through similar things, I'm the
15 medical director at a centre for survivors of torture who've -- they have multiple hits
16 of terrible egregious human rights violations, and we track it back to usually to the
17 inciting incident that caused them to start having a terrible mental health outcome.
18 And then yes, each additional egregious event makes it worse and more complicated.
19 So I'm not sure if I'm answering your question correctly. I'm not sure how this
20 would change the report about the incident that's the subject of this case. I mean,
21 obviously I would be able to say yes, many of these people may have been exposed to
22 more traumatic insults and more egregious traumatic insults throughout after they
23 were subject to the first ones.
24 And I think that the way it would change the report that I'm giving you is that the
25 prediction would be that, you know, more of them would not have gone on to have

1 resolution of symptoms and many of them may still have terrible symptoms. Little
2 has been done to mitigate their mental health outcomes. And, you know, the
3 prediction if the same people had gone through all of these events would be that their
4 mental health outcomes would be poor.

5 Q. So does it come to this, that really your evidence is only about those people who
6 might still be suffering mental health outcomes from what happened in this case?

7 A. Our evidence is about the science of trauma on human psychology and then
8 specific to the case, the specific case.

9 Q. Okay. I think, with respect, you probably already have a long time ago
10 answered the question that troubled me, which was that sentence about the high rates
11 of PTSD in the current population, which we now know doesn't mean that, it means
12 the high rates as discovered by Dr Tabo.

13 If you looked at the current population, the high rates of PTSD, would you agree, are
14 far more likely, if they exist, to be attributable to the recent events?

15 A. What I'd say is they're attributable to all of the traumatic experience that these
16 people have lived through, but the inciting one being the first.

17 Q. Thank you very much.

18 PRESIDING JUDGE STEINER: Thank you very much, Mr Haynes.

19 I'd like to ask whether the Prosecutor intends to redirect. Ms Bala-Gaye.

20 MS BALA-GAYE: Indeed, Madam President, I have a few questions.

21 QUESTIONED BY MS BALA-GAYE:

22 Q. Dr Reicherter, thank you again for your presence.

23 A. You're welcome.

24 Q. I just wanted to touch upon something that Mr Haynes raised in relation to
25 post-traumatic stress disorder, and in particular page 0511 to 0512 of your report, and

1 if I can just read out the extract.

2 A. Is this -- I have -- is this just page 5?

3 Q. Could be. I'm working with the evidence number, but just a second, let me
4 check. That would be page 19.

5 A. Yeah, okay.

6 Q. 19 to 20. And one of the things that you stated is "the changes in the brain
7 structure and function that are associated with traumatic stress" --

8 A. Yes.

9 Q. -- "exposure can result in cognitive, emotional, and behavioural difficulties that
10 constitute the symptoms of disorders such as PTSD, depression, anxiety, dissociation,
11 and so on."

12 A. Yes.

13 Q. Now I know we focus quite a bit on PTSD, Mr Haynes has, but I just wanted to
14 put PTSD aside, and can you explain how these other grave mental outcomes can
15 affect the daily functioning of survivors and victims of crimes such as rape?

16 A. From a biological standpoint or just talking about their functionality in general?

17 Q. The way the biology influences their actual functioning in daily life.

18 A. Yeah, I mean, I think that's one of the things I'm trying to raise in this discussion
19 with Mr Haynes and now in answering your question is, you know, these biological
20 changes take place and, you know, subsequent insults can make them worse or can
21 change the trajectory of the outcome, right. And some of the mitigating factors that I
22 had mentioned yesterday like mental health treatment, et cetera, might offset these or
23 make these better. In the situation that's being presented, it sounds like these
24 changes occur and then they are made worse and worse by a lack of mental health
25 interventions and situations getting worse and worse.

1 I think what you are asking is what other sorts of outcomes can we see as a result.

2 And so some of the co-morbidities in addition to post-traumatic stress disorder,
3 which is kind of the most commonly spoken about one, would be other mental health
4 disorders like major depressive disorder or some cognitive dysfunction.

5 So specifically what you are referring to here, you're talking about brain structures
6 that can be damaged or malfunction as a result, usually causing cognitive problems
7 like difficulty thinking, definitely problems with memory, which can cause
8 day-to-day problems, poor judgment, simple forgetfulness. The classic example
9 that's anecdotal from my experience is immigrants who are -- who come to the United
10 States and trying to learn English and are having a very, very difficult time doing that,
11 and in order to become a citizen there you have to learn English, it's very, very
12 challenging for them to do that because they have a cognitive problem as a result of
13 their mental health disorder. And so they need special accommodation to learn a
14 new language.

15 I mean, that would be one example, but you can imagine how having that level of
16 cognitive dysfunction could create all sorts of difficulties in day-to-day life.

17 Q. Because what I am trying to get at is putting aside PTSD, which requires a
18 combination of a number of mental health disorders, if we take depression on its own,
19 for instance, this is something that can seriously affect someone's life, for instance --

20 A. Totally -- totally debilitating, yes.

21 Q. Exactly. So, for instance, you've talked about its impact on parenting, for
22 example. So if we move beyond PTSD just to make sure that these other grave
23 outcomes can have just as serious an impact on the victims and survivors?

24 A. Right, absolutely. So I hope that this paper, this report has detailed
25 post-traumatic stress disorder, but I am also quite certain that it has talked about the

1 other possible outcomes of traumatic experience, including mood disorders, other
2 anxiety disorders, cognitive problems, et cetera.

3 Q. And I think you've clarified this enough, but I just want to make sure it's clear.

4 In relation to, for instance, the rapes that were committed by MLC troops, your
5 testimony, if I understand it correctly, is that that would result in some kind of
6 traumatic stress disorder or other grave outcomes which then put them in a worse off
7 situation in relation to the current events in the Central African Republic; would that
8 be correct?

9 A. Yes, absolutely. So I think Mr Haynes' point is a good one, and that is that
10 these other events are at the same level of trauma that might also create PTSD in
11 survivors. But, you know, what I'm trying to be clear about is that the fact that
12 they've already been exposed to traumatic experience, the fact that many of them
13 already have PTSD makes them far more vulnerable to any stressor that comes along,
14 a minor one or what he's pointing out, a major one, right. So the outcomes are
15 predicted to be far worse because they already have a mental health outcome from
16 the first experience.

17 Q. Another thing you touched upon was the issue of perception of safety, right?

18 A. Yes.

19 Q. From a victims' point of view. And can you explain the ways in which even
20 after objective safety is re-established, so in this case where the soldiers have gone
21 back to the Democratic Republic of Congo, how the victim can still experience certain
22 distress or danger that resurfaces well into the future. And I believe in particular at
23 page 0500, you mention that the feeling of danger, threat and helplessness can
24 resurface well into the future, even when -- after when objective safety is
25 re-established.

1 Can you just explain what you mean by that?

2 A. Yeah, I can explain it in general terms, and if you want me to be more specific,
3 please.

4 You know, one of the attributes of PTSD that we see very often is that the person who
5 is suffering with PTSD sort of seems to be in a perpetual state of the perception of
6 non-safety, right. So I've, you know, spent time working with veterans who have
7 had war experience, now they're back at home, their lives are perfectly safe and yet
8 they stand post all night watching the door to make sure no one comes through the
9 door, right. Completely illogical and they're aware of it. They have the perception
10 that there is still danger and that they are still in danger, even though they live back
11 in Menlo Park, California, which is a very safe community. Some of them actually
12 stand vigil with a gun, right.

13 Similar with rape victims, very often, you know, sort of every experience with a male
14 will be perceived as something of a very dangerous nature. They cannot be involved
15 in a trusting relationship. They're always under the perception that they are
16 currently unsafe and under stress.

17 Q. Thank you. And lastly, in relation to the mental health consequences, does the
18 fact that rape was suffered as a result of, let's say in the context of genocide, rather
19 than, you know, war crimes or crimes against humanity, actually affect the likelihood
20 of the grave outcomes?

21 A. I'm not sure I understand. You mean the purpose of the rape being something
22 other than -- can you ask the question again, please.

23 Q. Let me clarify. So one of the -- when you talked about your victims from
24 Cambodia, Mr Haynes made the point that that was in relation to a genocide. So
25 what I am asking is whether in terms of the consequences of the rape, would a rape

1 victim who suffered rape in the context of war crimes be different from genocide, or
2 from your mental health perspective that would not have much of a difference?

3 A. They're actually --

4 Q. That's really what I am driving it.

5 A. -- sort of looking at that literature right now for a different report, and it's not
6 clear that rape in the context of genocide is an extra risk factor. Genocide is a risk
7 factor for PTSD and has specific kinds of mental health outcomes, but rape for the
8 purpose of genocide or for the purpose of this notion of ethnic cleansing, it's not clear
9 that that has its own kind of mental health outcome. Rape is a risk factor for PTSD.

10 Q. Thank you very much.

11 MS BALA-GAYE: I've concluded my questions. Thank you, Madam President.

12 PRESIDING JUDGE STEINER: Thank you very much, Ms Bala-Gaye.

13 Mr Haynes, would you like any follow-up questions?

14 MR HAYNES: No. Thank you.

15 PRESIDING JUDGE STEINER: Thank you very much.

16 Professor Reicherter.

17 THE WITNESS: Reicherter.

18 PRESIDING JUDGE STEINER: Reicherter.

19 THE WITNESS: You're getting better.

20 PRESIDING JUDGE STEINER: I'm really sorry.

21 THE WITNESS: Oh, no, it's fine, it's fine.

22 PRESIDING JUDGE STEINER: Maybe it's too late for me to pronounce it correctly.
23 But that concludes your testimony.

24 THE WITNESS: Okay.

25 PRESIDING JUDGE STEINER: And we are very, very thankful for you for having

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1 travelled to The Hague, as I said, with all the difficulties you had, and it was very
2 important to have your presence here in giving assistance to the Chamber. Expert
3 testimony is of a great importance in helping us to assess particular aspects of the
4 evidence before it in this case, and you leave therefore this Court with our thanks for
5 your contribution.

6 Before you leave, Professor Reicherter --

7 THE WITNESS: Yes.

8 PRESIDING JUDGE STEINER: -- would you like to say anything else to address the
9 Chamber on any aspect or to make any final submission?

10 THE WITNESS: I think that my report is clear, and I think that my testimony has
11 been well-managed, and I think that I've said most of the salient issues.

12 And the only thing that I have not highlighted maybe enough is that the end of our
13 report did talk about treatment and access to mental health treatment. You know, to
14 be honest, I'm not sure how realistic good treatment can be for the survivors of this
15 crime, but generally speaking, survivors of traumatic experience tend to have better
16 outcomes if they have some kind of supportive care or mental health treatment or at
17 least access to that. So I would like to point that out with my final remark.

18 PRESIDING JUDGE STEINER: Thank you very much, Professor.

19 I would like then to ask the court usher to take the witness out of the courtroom.

20 THE WITNESS: Thank you.

21 PRESIDING JUDGE STEINER: In the meantime --

22 THE WITNESS: Thanks.

23 PRESIDING JUDGE STEINER: Please. Thank you very much.

24 (The witness is excused)

25 PRESIDING JUDGE STEINER: I would like to ask Mr Haynes, would you like to

1 tender into evidence any of the documents in your list of documents?

2 MR HAYNES: No. I think I read them into the record and that will do.

3 PRESIDING JUDGE STEINER: So we still have 10 minutes, but I'm informed that
4 the preparations for the video link from Bangui would be ready only at 11.30 in the
5 second part of this morning's hearing.

6 I have my assistant reminding me that Mr Haynes deferred his submissions on the
7 Prosecution documents, the documents that the Prosecution intended to tender into
8 evidence yesterday.

9 Are you ready to make your submissions on or any objection to the admission of the
10 documents, Mr Haynes?

11 MR HAYNES: I didn't in the constraints of time cross-examine Dr Reicherter about
12 the methodology of the report which, as you know, was the subject of our objection to
13 it in a written filing earlier.

14 You've heard him. You've taken the opportunity to ask him some questions. You
15 know what he's saying. He's had a lot of material put to him that wasn't considered
16 in the report.

17 In our submission, you'd be better off approaching the sentencing exercise on the
18 basis of his oral testimony. He wasn't taken line by line through the report by
19 anybody. And I think all of our understanding of what he's saying is far better
20 judged on the transcript and the report is an unnecessary addition to the
21 documentation you've got to consider. So yes, I do object to the report going in.

22 PRESIDING JUDGE STEINER: Mr Haynes, in decision 3384, of 4 May 2016, the
23 Chamber has provisionally admitted the report provided by the expert subject to the
24 witness appearance before the Chamber. So in relation to the report --

25 (Trial Chamber confers)

1 PRESIDING JUDGE STEINER: Maître Douzima, do you have any objection to the
2 admission of the expert report?

3 MS DOUZIMA LAWSON: (Interpretation) No, not at all, your Honour.

4 PRESIDING JUDGE STEINER: Therefore document CAR-OTP-0094-0493, the expert
5 witness report, is admitted into evidence.

6 In addition, during yesterday's hearing, the Office of the Prosecutor requested the
7 admission of seven additional documents related to the expert's report, which are
8 documents CAR-OTP-0094-0485, the letter of mandate to act as an expert witness in
9 the case of the Prosecutor versus Jean-Pierre Bemba Gombo; document
10 CAR-OTP-0094-0488, the list of evidentiary materials that were provided by the
11 Prosecution to the expert; document CAR-OTP-0094-0541, the curriculum vitae of
12 Professor Daryn Reicherter; document CAR-OTP-0094-0552, the curriculum vitae of
13 David E Reed; document CAR-OTP-0094-0560, the curriculum vitae of Gerald Gray;
14 CAR-OTP-0094-0564, the curriculum vitae of Beth Van Schaack; and finally
15 CAR-OTP-0094-0568, the curriculum vitae of Ryan B Matlow.

16 Having heard the submissions of the parties and before I proceed, Maître
17 Douzima-Lawson do you have any objection with the admission into evidence of
18 these documents?

19 MS DOUZIMA LAWSON: (Interpretation) No objection.

20 PRESIDING JUDGE STEINER: Having heard the submissions of the parties and the
21 legal representative, the Chamber finds that the abovementioned documents are
22 prima facie relevant to the factors and consideration set out in Article 78 of the Statute
23 and Rule 145 of the Rules, have sufficient probative value and will not have a
24 prejudicial effect on the fairness of the proceedings. Furthermore, they are relevant
25 and complete, the report made by the expert already admitted into evidence.

1 Accordingly, the Chamber admits into evidence, for the purpose of sentencing,
2 documents: CAR-OTP-0094-0493; 0094-0485; 0094-0488; 0094-0541; 0094-0552;
3 0094-0560; 0094-0564; and 0094-0568 and instructs the Registry to assign these
4 documents EVD numbers.

5 We are going then to suspend the hearing now and we'll be back for the hearing on
6 the victims' views and concerns and submissions via video link from Bangui at 11.30.
7 The hearing is suspended.

8 THE COURT USHER: All rise.

9 (Recess taken at 10.58 a.m.)

10 (Upon resuming in open session at 11.35 a.m.)

11 THE COURT USHER: All rise.

12 PRESIDING JUDGE STEINER: Welcome back, Prosecution, Legal Representative,
13 Defence, Mr Bemba.

14 We will now hear the views and concerns of Victims 555 and 480 in accordance with
15 Article 68(3) of the Statute as authorised by decision 3384 of 4 May 2016. Pursuant to
16 decision 3387 of 10 May 2016, the victims represent their views and concerns via
17 video-link technology.

18 I notice and for the record the presence of Madam Evelyne Ombeni in Bangui. A
19 representative of victims unit, Victims and Witnesses Unit will assist the victim in her
20 presentation.

21 Any comment, Mr Haynes?

22 MR HAYNES: No. I'm just wondering if anybody has sound at the moment. We
23 don't have any sound, just fuzzy.

24 THE INTERPRETER: The interpreters have a 50 cycle hum or a humming sound on
25 the line, which makes it very difficult to hear the speakers.

1 PRESIDING JUDGE STEINER: Is there any problem still? Still no --

2 MR HAYNES: I've just got white noise coming through my headphones.

3 THE INTERPRETER: The same in the interpretation booth.

4 PRESIDING JUDGE STEINER: Testing, testing. I think we have the connection
5 with Bangui open. Maybe this is the reason why.

6 Mr Haynes, can you hear me now?

7 MR HAYNES: Your Honour, I can't hear you. I can hear you because I can hear
8 your voice in the room. But your voice isn't coming through my headphones. And
9 I'm probably less important. The interpreters aren't hearing you either. They have
10 said it on two occasions.

11 THE COURT OFFICER: IT technician in field, can you please mute the connection
12 for a few minutes.

13 PRESIDING JUDGE STEINER: Now can you hear me? Not yet?

14 THE INTERPRETER: Now the sound is perfect for the interpreters.

15 PRESIDING JUDGE STEINER: Can you hear me now? My microphone is on.

16 Yes, we cut the connection with Bangui while the technicians will see what is going
17 on.

18 So in the meantime I can continue reading. We have to issue an oral decision, so I'll
19 take the time for advancing the proceeding.

20 In relation to the modalities of the victims' presentation of views and concerns, the
21 Chamber recalls that the victims are not giving testimony, and as such they will not
22 be questioned by the parties nor present their views and concerns under oath.

23 The Chamber reminds the parties that the Legal Representative will be responsible for
24 guiding the victims through their presentation of views and concerns. Nevertheless,
25 the intervention of the legal representative shall be limited to questions that facilitate

1 the presentation of views and concerns by the victims.

2 In addition and in accordance with its responsibilities under the Statute and the Rules,
3 particularly Article 64(2) and 68(3) of the Statute, and Rule 89(1) of the rules, the
4 Chamber may address the victim at any stage should it deem it appropriate to do so.

5 In accordance with the order of appearance proposed by Maître Douzima, filing 3390,
6 we will start with the views and concerns of Victim 555. But before we proceed to
7 that, the Chamber will issue its oral decision on protective measures for both Victims
8 480/08 and 555/08.

9 In its decision 3384 of 4 May 2016, the Chamber granted Victim 0484-08 those
10 measures necessary to protect her identity and exact location and ordered the Legal
11 Representative to, in consultation with Victims and Witnesses Unit, inform the
12 Chamber and the parties of the specific recommended measures no later than 13
13 May 2016.

14 On 13 May 2016, the Legal Representative filed an application for in-court protective
15 measures for Victim 480/08 and also for Victim 555/08.

16 In her application, she requests in-court protective measures for both victims
17 including that their names and other information that can lead to their identification
18 be redacted, image and voice distortion, the use of pseudonyms and, when necessary,
19 limited use of closed sessions.

20 To that end the Legal Representative provides details as to the victims' concerns about
21 their security, physical and psychological well-being, dignity and privacy and
22 submits that the requested protective measures are necessary.

23 On the same day, the Victim and Witnesses Unit submitted, one, security assessments
24 for Victims 480 and 555 by which it supports the requested protective measures and,
25 second, reports from VWU psychologists providing psychological assessments in

1 relation to both victims.

2 As to Victim 480, the VWU psychologist recommends that when the victim is
3 questioned about sexual violence, the questions should be formulated in the least
4 embarrassing manner possible and avoiding unnecessarily intrusive or repetitive
5 questions.

6 As to Victim 555, the VWU psychologist recommends to start with questions to guide
7 the victim through the statement.

8 Use short simple questions and language which is easy to understand, avoiding legal
9 terms, long sentences and double negations.

10 Three, put questions in a non-confrontational, non-pressuring form.

11 Four, avoid questions that may be embarrassing for the victim.

12 Five, in case a victim is questioned about sexual violence, to formulate questions in
13 the least embarrassing manner possible and avoid unnecessarily intrusive or
14 repetitive questions and observe the victim closely.

15 In case of signs of nervousness, distraction or emotional reactions, a break is offered
16 to the victim.

17 Pursuant to Article 68(1) and (2) of the Statute and Rule 87 of the Rules of Procedure
18 and Evidence, the Chamber considers that due to the particular circumstances of
19 Victims 480 and 555, the protective measures requested are necessary, reasonable and
20 proportionate. The requested protective measures will enable the victims and their
21 families to continue to live in their community without fear of being identified and as
22 a result being threatened or harassed.

23 Therefore, the Chamber grants Maître Douzima's application for protective measures
24 for Victims 480/08 and 555/08 and authorises the redaction of the victims' names and
25 other information that can lead to their identification from the public transcripts of

1 the hearing; the use of a pseudonym, image and voice distortion, and partial use of
2 closed or private session as necessary.

3 Furthermore, in accordance with Article 68(1) and Rule 88(1), the Chamber agrees
4 with VWU psychologist's suggestions and instructs the Legal Representative to follow
5 the recommendations closely.

6 In addition, the Chamber will closely observe the victims and, if necessary, will break
7 more frequently.

8 Now ask please the court officer to turn on the video feed.

9 Madam Witness, good morning. Can you hear me?

10 VICTIM: A/555/08

11 (The victim speaks Sango)

12 (The victim testifies via video link)

13 THE WITNESS: (Interpretation) Thank you, Madam President.

14 PRESIDING JUDGE STEINER: Can you hear me? The sound is good?

15 THE WITNESS: (Interpretation) I can hear you correctly.

16 PRESIDING JUDGE STEINER: I need a test from the English interpretation booth,
17 please.

18 THE INTERPRETER: Testing 1, 2, testing 1, 2, can you hear me? Testing 1, 2, 1, 2.

19 PRESIDING JUDGE STEINER: (Microphone not activated) You're here today by
20 means of video technology to present your views and concerns. Here you can see
21 me, the Presiding Judge. I have on my right side Judge Joyce Aluoch, on my left side
22 Judge Kuniko Ozaki, and my name is Judge Silvia Steiner.

23 In the presentation of your views and concerns, you will be guided by your legal
24 representative, Maître Douzima. The Chamber put in place measures to protect
25 your identity from the public and you will be, therefore, referred to as "Madam

1 Witness." Nobody is going to mention your name or any information that could
2 identify you. Your voice and your image that are broadcast outside the courtroom
3 are being distorted, so you cannot be identified by your voice or by your image.
4 Only the persons here inside the courtroom can see you and listen to you without
5 image and voice distortion.

6 Do you understand the protective measures, Madam?

7 THE WITNESS: (Interpretation) It's understood, your Honour.

8 PRESIDING JUDGE STEINER: Madam Witness, I just wanted to remind you that
9 we have other victims and witnesses whose identities are protected. So when
10 expressing your views and concerns, please refrain to mention any names of friends,
11 neighbours or other persons that could be identified or could identify you. If in your
12 view it's necessary to mention any names, you please let me know and we go into
13 closed session. In closed session, Madam, nobody can listen to what you say, only
14 those here in the courtroom.

15 Maître Douzima will help the Chamber in identifying any kind of information that
16 needs to be concealed from the public in general in order to protect your identity and
17 the identities of people vulnerable or linked in any case, in any way with the case.

18 Are you fine with the protective measures granted to you, Madam Witness?

19 THE WITNESS: (Interpretation) That's perfect, your Honour, for me.

20 PRESIDING JUDGE STEINER: One last recommendation, Madam. We speak
21 different languages, and because of that we have interpretation. That means you
22 have to speak slower than normal, as I'm doing now, in order to allow the interpreters
23 to do their job. So please speak very slowly. And every time Maître Douzima puts
24 a question to you, you wait for her to finish, you wait a little bit, 5 seconds before you
25 start giving your answer. That is to facilitate the interpreters' job. If you start

1 speeding up, I will have to interrupt you and ask you to slow down. Please don't
2 take offence. This is necessary for practical reasons and because we want all your
3 concerns to be correctly expressed in the transcripts.

4 Did you understand that, Madam Witness?

5 THE WITNESS: (Interpretation) That's well understood.

6 PRESIDING JUDGE STEINER: Maître Douzima, you have the floor. And please
7 start guiding Victim 555 in her presentation of her views and concerns. You have
8 the floor, Maître.

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

10 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation)

11 Q. Good day, Madam Witness.

12 A. Good day.

13 Q. As the Presiding Judge has just explained to you, I am going to help you by
14 asking you questions, help you as a victim to be able to present to the judges your
15 story, what you have experienced, the harm that you have suffered, the impact of the
16 crimes on you, on your family and on your community and your expectations.
17 You heard Judge Steiner say that you and I must be careful not to mention the names
18 of anyone else. If for one reason or another you need to refer to somebody, you
19 could perhaps say "My father, my child, my sister," but without actually giving their
20 name.

21 Have you understood what I have just explained to you?

22 A. Yes, I have understood that.

23 MS DOUZIMA LAWSON: (Interpretation) I would like to move into private
24 session, please, your Honour, because I'm going to ask the victim to introduce herself.

25 PRESIDING JUDGE STEINER: We didn't have the interpretation for the last answer

1 given by the witness.

2 Just one moment.

3 Could please court officer turn into closed session while the witness gives her
4 identifying information.

5 (Private session at 12.03 p.m.)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Open session at 12.07 p.m.)

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

12 MS DOUZIMA LAWSON: (Interpretation)

13 Q. You said that at the time you were living in Bossangoa, when did the

14 Banyamulenge arrive in Bossangoa at that time?

15 A. They arrived in Bossangoa during the course of 2003.

16 Q. Were you in the town?

17 A. We were in the town of Bossangoa. There were rumours saying that they were
18 doing -- to come into the town, and we fled into the bush.

19 Q. When you said you fled, who was "we"? Who fled?

20 A. I fled with my whole family and all the local inhabitants. The town was first
21 occupied by Chadian soldiers, and they told us of the arrival of the Banyamulenge,
22 which is why we fled the town into the bush.

23 Q. Why did you flee from the Banyamulenge?

24 A. When they arrived in the town or in the Central African Republic, their
25 behaviour was unacceptable. They had been called by President Patassé and they

1 started to commit offences against the population which is why we fled in order to
2 seek safety in the bush.

3 Q. What did the Banyamulenge do when they arrived in Bossangoa?

4 A. When we heard that they were arriving, we fled into the bush. They arrived in
5 the evening. And about 4, 4 a.m., they started to fire. They were firing throughout
6 the whole area.

7 Q. And apart from firing, what did they do?

8 A. After the firing, they started to deploy in the area looking for the population
9 who had sought safety away from the town, and they started to pillage and to attack
10 all the people that they found as they were deploying.

11 Q. Did they pillage the whole town of Bossangoa?

12 A. Yes, indeed, absolutely. They pillaged the whole town. They knocked doors
13 through. They pillaged and they killed people who had been unable to flee, such as
14 old people, handicapped people. They more or less sacked the town.

15 Q. What goods were pillaged from your house by the Banyamulenge in
16 Bossangoa?

17 A. There was clothing, shoes, tools, utensils, all the bedding, the mattresses,
18 anything that had any value, the cassava mills, the ground nut mills, anything that
19 had any value in the house was taken away.

20 Q. Does the population know why the Banyamulenge committed these large-scale
21 offences in the town of Bossangoa?

22 A. No, we didn't know. It was Patassé who called upon them. And Patassé gave
23 the instructions to attack all the people in the area because the area was known to be
24 in favour of Bozizé, and so they were to attack the people, the dogs, the domestic
25 animals, anything they would find there.

1 Q. What happened to you in the place to which you fled?

2 A. In our place of safety, I was with my family, my father, my grandfather and
3 other family members. In the morning, we saw a group of Banyamulenge, when we
4 saw them, I fled with one of my aunts because I was afraid. They were armed. We
5 went even deeper into the bush. When they saw us run, they followed us. They
6 chased us. They caught us and they brought us back to where my family members
7 were.

8 They then asked my father and grandfather to give them money in exchange for our
9 freedom. My father and grandfather said that they had no money and they said that
10 if they were not given money, they were going to kill me and my aunt.

11 They took us. My father tried to follow us and they started to beat him with their
12 rifle butts. They said they were going to kill us. And they took me and my aunt to
13 take us to another place.

14 Q. Where did they take you?

15 A. They took us to their base. My aunt was taken to one base and I to another.
16 We were separated. We were no longer together.

17 Q. What happened when they took you to their base?

18 A. When we arrived at their base one of their commanders took me into a house.
19 It was a house that had been abandoned. He forced the door open and he raped me.

20 Q. How old were you when he raped you?

21 A. I was about 15, 16. I remember that I was still at school, but I don't know
22 exactly how old I was. I was still at school, at primary school.

23 Q. Had you been with a man before your rape? Had you had sexual relations
24 with a man before you were raped?

25 A. Absolutely not. I was still a virgin.

1 Q. For how long did they keep you in the base at Bossangoa?

2 A. We spent about five days to a week there.

3 Q. During this time, five to seven days, did they continue to rape you?

4 A. Yes, indeed, they did.

5 Q. Were you the only girl from Bossangoa that they took with them to their base?

6 A. Yes, but there were other people. There were quite a few of us.

7 Q. Were they also raped?

8 A. Yes, they were raped too.

9 Q. How do you know that?

10 A. I knew it because when we were there, there were other girls from Bossangoa
11 who went to the same school as I did. They were raped and they were on the other
12 side of the river in Zaire.

13 Q. After the days you spent in Bossangoa, where did your rapist take you?

14 A. After the time we spent there, they took us to Bossembélé.

15 Q. The other girls as well you mean?

16 A. Yes. Among them was some who fled, but there were quite a number who
17 were deported to Bossembélé.

18 Q. And while you were in the Bossembélé, did the rapes continue?

19 THE INTERPRETER: The witness did not hear the question.

20 MS DOUZIMA LAWSON: (Interpretation)

21 Q. I asked whether when you were taken to Bossembélé your rapists continued
22 to -- your captors continued to rape you?

23 A. Yes, in Bossembélé they continued the rapes because they considered that I was
24 their wife. We shared the same bed as if I was a wife.

25 Q. Do you know approximately how old the other girls were, those who were also

1 taken away by the Banyamulenge?

2 A. Those with whom I spent time were about 14, there might have been another
3 one about 12, 13, but I don't know the age of all the girls, only of some of them.

4 Q. From Bossangoa to Bossembélé, how were you treated by your abductors?

5 A. At the time it was very difficult for us even when we went to the toilet, when
6 we went to the shower, there was always somebody on guard. We were not free in
7 our movements at all. We ate with them. We shared the same food. If we wanted
8 to go and rest or to relieve ourselves, we had to ask for permission to go to the toilet.
9 We were always followed and guarded by one of them.

10 Q. How much time did you spend in Bossembélé?

11 A. We spent four to six days in Bossembélé.

12 Q. And then what happened afterwards?

13 A. One morning the Banyamulenge were getting ready because they heard that the
14 people from Chad, the Chad soldiers were coming, and they were getting ready to
15 counter them. And when they came to Bossembélé, we were in the bush on the hill.
16 The Chadians started to fire in all directions and we fled to the bush together with the
17 Banyamulenge. We fled together. We were together with them in Bossembélé.
18 And in Bossembélé I heard rifle fire or fire and I ran into the bush.

19 Q. Where did they take you then?

20 A. We fled until we reached a river and we crossed that to get to Libenge.

21 Q. I suppose that Libenge is in the DRC. And you said that once you arrived in
22 DRC you no longer were having periods and you felt unwell. You went to hospital
23 where they told you that you were pregnant; is that so?

24 A. Yes, that's correct. Having slept with me, we fled. We slept in the bush and
25 once we were on the other side of the river, I didn't feel well. I had stomach pains.

1 I went to the hospital. I was examined and I was told that I was pregnant.

2 Q. How long afterwards did you have your child?

3 A. Once I arrived in Libenge, we didn't spend much time. We were taken to
4 Zongo together with the other soldiers. But the family of my attacker lived in Zongo,
5 and I had my child in Zongo.

6 Q. What happened to the child that you had, to the baby?

7 A. After I gave birth to the child, six months later the child died.

8 Q. In the DRC did you continue to be raped by your assailant?

9 A. Yes, he continued to sleep with me.

10 Q. You have said that you also gave birth to a second of his children; is that
11 correct?

12 A. After the first child died, I conceived again and I gave birth to a girl.

13 Q. In the DRC, were you treated in the same way as you had been in Bossangoa
14 and in Bossembélé?

15 A. Well, there he considered me to be his wife. We were together. But given
16 that they were rebels, they weren't paid. It was his parents, his family who helped
17 us to live. He didn't receive a salary. He didn't receive any wage.

18 Q. All in all, how much time did you spend with him in the DRC?

19 A. I think that I spent four years there.

20 Q. Did your relatives receive any news of you?

21 A. No. They received no news from me. They thought that I was dead. A
22 funeral had already taken place, and they did not expect to hear any news from me.

23 Q. Later you managed to flee and to travel to Bangui. Did you then also go to
24 Bossangoa, given that your family thought that you were already dead?

25 A. Yes. First of all, I went to Bangui and then I went on to Bossangoa.

1 Q. How did your return to Bossangoa go to the town, to the people?

2 A. When I arrived in Bossangoa, my family welcomed me. They were surprised
3 to see that I was still alive and that I had a child with me. But what made me sad
4 when I returned to Bossangoa is that the population turned its back on me. I was
5 stigmatised. They said, "Oh, it's a wife of the Banyamulenge who is in town."

6 Q. Did you have any news of your aunt?

7 A. When I returned to Bossangoa, I came across my aunt, and she told me that she
8 had been able to flee from Bossembélé back to Bossangoa. She had gone to the
9 hospital because she was ill, and the doctors established that she was HIV positive.
10 She has since died.

11 Q. You said that the Banyamulenge plundered everything and that your house in
12 Bossangoa had also been looted. When you returned to Bossangoa four, five years
13 later, did you see that your family had been able to re-establish the same lifestyle that
14 they had had before the Banyamulenge had passed through?

15 A. Well, their way of life changed, of course. My family had been totally stripped
16 of their belongings. They were living in poverty. They were farming and involved
17 in a little bit of trading in order to be able to afford something to eat, even clothing
18 themselves was difficult.

19 Q. Your father was beaten by the Banyamulenge when he asked the Banyamulenge
20 to leave you alone, and he suffered the consequences of that. Now, when you
21 returned, did you see that he or observe that he was still suffering from the beating he
22 had received from the Banyamulenge?

23 A. Yes, of course. He was beaten twice in fact. When he left the bush he was
24 taken to the base and he was beaten there and injured. My father really suffered
25 tremendously from their actions.

1 Q. When your aunt died, how did you feel? What impact did that have on you?

2 A. After the death of my aunt, I continued to live with melancholy, because she
3 didn't have a child. Where she lived or where she stayed she had been raped, and
4 we are all much saddened by it in the family.

5 Q. And you yourself, when you returned to Bossangoa, did you go back to school?

6 A. When I returned to Bossangoa, I stopped going to school. You know, my
7 father, he is just a farmer and he didn't have the means to send me to school.

8 Q. Is this something you regret?

9 A. Of course, yes, it's something I regret and it's something that really hurts me in
10 fact.

11 Q. You said that in Bossangoa you are pointed out as the one who was raped, the
12 wife of the Banyamulenge. Now, you said that you now live in Bangui. Do people
13 in Bangui know your story and are you stigmatised there also?

14 A. In Bangui, some people who are close to the family, because when I returned
15 from Zongo to Bangui, members of my family welcomed me, lots of people visited me,
16 but I can also tell you that a lot of people don't know about what happened. Bangui
17 is a big city. It's a capital. And people don't pay too much attention to other
18 people's lives; whereas Bossangoa is a small town, and everybody is aware of other
19 people's business, and that is why I, in fact, left Bossangoa for Bangui.

20 Q. You've stated that you have four children now. One of the children is the child
21 of your captor. What is the situation with the other three?

22 A. When I arrived into Bossangoa or after returning to Bossangoa, I met a man
23 with whom I had a boy. Then we went back to Bangui, and there I had two girls
24 with the same man. But I don't feel comfortable with my family-in-law. My
25 sisters-in-law branded me as being the wife of Banyamulenge. And they, given that

1 my aunt died because she was HIV positive, in their eyes I too am HIV positive, and
2 that is why I have left my family-in-law for my family, my relatives.

3 The children are still with me. Later my husband died.

4 Q. Do you yourself know your HIV status?

5 A. I haven't had an HIV test yet.

6 Q. You said that you had two children with the man that you met in Bossangoa
7 when you returned there. What about the fourth child? Who is the father? Please
8 do not mention any names, however.

9 A. When I was with my own family, I didn't have any support, and so I found
10 another man, a man who already had another wife, and I had a child with him. That
11 man then abandoned me, he left and I remained alone in my home. So I now live in
12 family, if you like, with my four children, the four children for whom I am
13 responsible.

14 Q. Do you know why he left you?

15 A. Well, it was because of the children and the number of children, given that there
16 are a lot of children and he has his own children, this is the reason why he left me. I
17 live in a rented house, and I couldn't afford the rent. I didn't have the means to
18 cover my costs, and that's why I returned to my family.

19 PRESIDING JUDGE STEINER: Madam Witness, I see that you are showing signs of
20 distress. Would you like to have a break, a short break, or you prefer to continue?

21 THE WITNESS: (Interpretation) We can continue. We can continue the
22 questioning.

23 PRESIDING JUDGE STEINER: I just want to remind you that at any time if you
24 need a break, you just let me know. We are almost concluding with your
25 questioning.

1 Maître.

2 THE WITNESS: (Interpretation) All right.

3 MS DOUZIMA LAWSON: (Interpretation)

4 Q. Ma'am, I'm sorry to put questions to you that remind you of what you've been
5 through, but it is necessary for the judges so that they know what happened to you
6 and can take the decisions which need to be taken. Do you understand?

7 A. Yes, I understand.

8 Q. Do your children go to school?

9 A. No, my children don't attend school because I don't have the means to cover it.

10 Q. As you have no means, how do you cover your own needs and those of your
11 children?

12 A. Well, I buy vegetables, which I then resell in small markets. And the revenue
13 from this small-scale trading is what allows me to feed the children and to have a
14 little bit of money to clothe them and to take care of them.

15 Q. (No interpretation)

16 THE INTERPRETER: Message from the interpreter: This question was not heard.

17 THE WITNESS: (Interpretation) A feeling of sadness, because when I compare
18 how I live with how others live, I see a huge difference, and it's because of what
19 happened to me that I'm in the situation I find myself in today. Some of my peers,
20 some of those I studied with today work and have a salary. Today I have none of
21 that. I could have been married, married to one man. But I'm deeply depressed.
22 I've had children with at least four men. And I have had suicidal thoughts.

23 Q. Aside from the fact that your children don't go to school, have there been other
24 repercussions for your children?

25 A. Yes, of course, there are consequences. As you know yourself, it's very

1 difficult to live under the control or guardianship of another. And I am the mother
2 of children. I live with my aunt. My aunt has her own children. We live in the
3 same house with the children.

4 And when the children fight, sometimes I say things that I don't mean to say. I
5 would like to live in my own house with my children. You know yourself, living
6 within a family is not always easy. If I were alone, it would be bearable, but that's
7 not the case. That's how it is. This is the impact of what happened to me in my
8 youth.

9 Q. Do you have fears regarding your daughter, the daughter which you had by
10 your captor?

11 A. Yes, indeed, I have worries. I had her when I was in captivity. She doesn't
12 know who her father is. She doesn't know where he is. She has no news of him.
13 And I wonder how things will develop. I ask God if I die, what will happen to that
14 child?

15 The three others which I had, I know that their father's families are there, and if
16 something happened to me, those children could go and live with the family of their
17 father. But when it comes to this child, what will her fate be if anything happens to
18 me?

19 Q. Why did you ask to be able to participate in these proceedings?

20 A. I asked to take part in these proceedings to tell, recount what had happened to
21 me. I wanted to talk about it publicly, and I wanted to talk about the suffering that
22 I'm going through. I wanted to testify to what the Banyamulenge had put me
23 through and to the consequences which that has had on the life that I lead today.

24 Q. What do you expect of the International Criminal Court? What are your
25 expectations?

1 A. I have no particular expectations. I want the International Criminal Court to
2 see that justice is done and that justice is also done for me in terms of what happened
3 to me. That is what I expect from the ICC, that it be aware of the conditions in which
4 I live today.

5 Q. On 21 March, the Court determines that Jean-Pierre Bemba Gombo was
6 responsible as a military leader for murders, pillaging and rape, which had taken
7 place or which had been perpetrated by his troops in 2002 and 2003 in the Central
8 African Republic and that beyond any reasonable doubt.
9 What was your reaction to that?

10 A. I heard that he had been found guilty and I am delighted about that, because he
11 is the one who dispatched his soldiers, and it was those soldiers who carried out these
12 abuses, so that I can only be gratified by the decision which was taken regarding him.

13 Q. In your application to participate in these proceedings, dated October 2009, at
14 page 11 you said that what had happened to you had caused anxiety and stress for
15 you. Do you still have those feelings today?

16 A. The decision which was issued changes nothing of my living conditions. It's
17 true I'm gratified by the decision that was issued. It's true that a lot of people lost
18 their lives and, for instance, the leader or a leader in our district was killed, and I'm
19 happy that somebody will pay for the abuses carried out.

20 Q. Madam, I have asked all my questions of you. What I'd now like to know is
21 how you feel now, having expressed your views and concerns before this Court?

22 A. I think that I have expressed all of my feelings to the judges. I have nothing
23 much to add. I do think that the decision, the final decision falls to the judges, and I
24 leave it to them.

25 Q. I'd like to thank you very much. Thank you for having agreed to answer all

1 my questions. You bore up well. Thank you for that. I believe that the judges
2 have taken good note of all that you have said.

3 Your Honour, your Honours, I've completed my questioning.

4 THE WITNESS: (Interpretation) Thank you.

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

6 Madam Witness, I have just two follow-up questions to clarify some points. My first
7 question is, you said you stayed for four years with your captor. Did you stay these
8 four years in Zongo?

9 THE WITNESS: (Interpretation) Over the course of those four years we moved or
10 passed through a number of towns, Zongo, Libenge through to Mbanga.

11 THE INTERPRETER: The interpreter corrects herself, Gemena.

12 THE WITNESS: (Interpretation) And we left Gemena when there was the
13 demobilisation and disarmament procedure. He decided to stay in the army and
14 went to Kinshasa. I went to stay with his family in Zongo, and it was from Zongo
15 that I could flee.

16 But when I was in the Democratic Republic of Congo, I went through Zongo, Imese
17 and other towns.

18 PRESIDING JUDGE STEINER: And during all this time, throughout this four years,
19 you said that you slept with him as if you were his spouse, his wife. Did you sleep
20 with him against your will?

21 THE WITNESS: (Interpretation) I think that if I had consented I would not have
22 fled to return to the Central African Republic. It was all against my will. That is
23 why the first -- at the first opportunity I got I fled.

24 PRESIDING JUDGE STEINER: Madam, I thank you very much for the time and
25 trouble you've taken to come before this Court to give your views, your concerns,

1 your testimony about the facts you were subject to. This now concludes your
2 evidence.

3 THE WITNESS: Merci.

4 PRESIDING JUDGE STEINER: And we want to, the Chamber wants to express the
5 thanks of the Court for the time you've taken to come and to be before us.

6 Before you leave us, Madam, would you like to say something else? Would you like
7 to say something else, madam?

8 THE WITNESS: (Interpretation) No, I have nothing to add. I think I've said it all.

9 PRESIDING JUDGE STEINER: Thank you again very much, Madam. The
10 representative of Victims and Witnesses Unit will accompany you and give you all
11 the necessary assistance after your appearance before the Chamber.

12 (The victim is excused)

13 PRESIDING JUDGE STEINER: We will now suspend this hearing, thanking again to
14 the interpreters and court reporters for giving us this five minutes extra time. And
15 we'll be back at 2.35 for the continuation of the hearing with the presentation of views
16 and concerns by Witness 480. The hearing is suspended.

17 THE COURT USHER: All rise.

18 (Recess taken at 1.04 p.m.)

19 (Upon resuming in open session at 2.38 p.m.)

20 THE COURT USHER: All rise.

21 Please be seated.

22 PRESIDING JUDGE STEINER: Good afternoon and welcome back. Welcome back
23 Prosecution team, Legal Representative of Victims, Defence team,
24 Mr Jean-Pierre Bemba Gombo.

25 And good afternoon, Madam Witness.

Sentencing Hearing
VICTIM: a/480/08

(Open Session)

ICC-01/05-01/08

1 VICTIM: A/0480/08

2 (The victim speaks Sango)

3 (The victim testifies via video link)

4 THE WITNESS: (Interpretation) Good afternoon.

5 PRESIDING JUDGE STEINER: Madam, welcome. You are with us today by means
6 of video link technology to present to the Chamber, you're here to present to the
7 Chamber your views and concerns. In your presentation you will be guided by your
8 legal representative, Maître Douzima. And I wanted to inform you that the
9 Chamber has put in place, the Chamber has put in place, madam, some measures to
10 protect your identity from the public, and you will therefore be called only as
11 "Madam Witness."

12 Your voice and your image that are broadcast outside the courtroom are being
13 distorted so that the public cannot identify you.
14 You should also be aware that there are other victims, other persons connected with
15 this case whose identities are also protected. So I ask you with the support of Maître
16 Douzima that during your statement you don't mention any names, names of friends,
17 of neighbours, family members, so no information that can lead to your identification
18 or to the identification of other persons that could be put at risk if their identities are
19 known.

20 Do you understand the protective measures, Madam Witness?

21 THE WITNESS: (Interpretation) I understand.

22 PRESIDING JUDGE STEINER: Madam Witness, we speak different languages, and
23 because of that we have interpretation. When we have interpretation, it is important
24 for you to speak very, very slowly in order to allow the interpreters to translate what
25 you are saying. So please, madam, speak slower than normal as I'm doing now.

1 And after Maître Douzima puts a question to you, please wait a little bit, 5 seconds
2 before you start giving your answer in order to allow the interpreters to complete the
3 translation of the question.

4 Do you understand that, madam?

5 THE WITNESS: (Interpretation) I understand.

6 PRESIDING JUDGE STEINER: If you start speeding up, I will have to interrupt you,
7 and please don't feel offended. It's just for practical reasons and should not
8 discourage you from speaking.

9 Madam, if for any reason you need to mention a name or a place or a situation that
10 can identify you, please let us know and we can go into private session. In private
11 session you can speak freely because nobody outside the courtroom can listen to what
12 you say. Is that clear to you, madam?

13 THE WITNESS: (Interpretation) It's clear, Madam President.

14 PRESIDING JUDGE STEINER: And finally, Madam Witness, if you need for any
15 reason a break, just let me know and we can have a short break. Is that fine with you,
16 madam?

17 THE WITNESS: (Interpretation) That's fine, madam.

18 PRESIDING JUDGE STEINER: Thank you, madam. I will now give the floor to
19 Maître Douzima. She is going to guide you in the presentation of your views and
20 concerns.

21 Maître Douzima, you have the floor.

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

23 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation)

24 Q. Witness, good afternoon.

25 A. Good afternoon, Maître.

1 Q. You will with me have heard that the Presiding Judge asked you to be careful
2 during our examination not to name different people. If I put a question to you and
3 you have to speak about somebody, please do not give the name, even if it's a
4 member of your family. I'll give an example. If you need to speak about your
5 father, you say "My father," but don't give the name. If you want to speak about
6 your child, please say "my child, my son, my daughter." Please don't give the name
7 of the person.

8 Have you understood that?

9 A. I've understood, Counsel.

10 MS DOUZIMA LAWSON: (Interpretation) Your Honour, I would like to go into
11 private session to allow me to put questions to the victim on the victim's identity.

12 PRESIDING JUDGE STEINER: Court officer, please turn into private session for the
13 identification of the witness.

14 (Private session at 2.48 p.m.)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Open session at 2.51 p.m.)

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

10 MS DOUZIMA LAWSON: (Interpretation)

11 Q. Madam, I'd like to remind you that you've been called to speak as a victim in
12 the case against Jean-Pierre Bemba Gombo. Your views and concerns, I would like
13 to know why you asked to participate in these proceedings?

14 A. I asked to participate because of what happened to me, and so I am available to
15 explain my situation to the Court.

16 Q. You were intercepted by the MLC troops, Banyamulenge as they're called, you
17 and your father. Could you explain under what conditions the Banyamulenge
18 intercepted you?

19 A. I can explain.

20 Q. You can do it now.

21 A. This is what happened to me: It was on 25 January 2003, my father and I, we
22 were going to our village of birth and the Banyamulenge, they intercepted us with
23 our baggage as well, and they tied us up and they hit us and they abducted us and
24 took us to a different place, and for three days I wasn't able to have a bath. I wasn't
25 able to eat and I was raped the whole night. Every night there were three people

1 who slept with me.

2 Q. So how many Banyamulenge intercepted you?

3 A. Well, there were approximately 30 of them and they were well armed. Some of
4 them drove us to their base.

5 Q. Apart from you, your father and the other person, who else did the
6 Banyamulenge intercept other than you, your father and the baggage carrier?

7 A. That day I didn't see other people apart from the Banyamulenge.

8 Q. Before going to your base, what did they do -- before taking you to their base,
9 what did they do?

10 A. When they intercepted us, they put us on our knees. They took out all our
11 baggage, took it down before driving us to their base. And once we got there, they
12 tied us up and they beat us severely.

13 Q. What did they do with your baggage?

14 A. They took all our items, all our property.

15 Q. What was in your baggage?

16 A. In our luggage there was 20 litres of palm oil, there were sardine boxes, there
17 were 50-kilo sacks of sugar, there were rice sacks and there were sardine tins, and
18 there were also soap cartons as well.

19 Q. Where was their base?

20 A. The first base was at the gendarmerie at Bossembélé.

21 Q. When they took you to the gendarmerie in Bossembélé, what did they do to
22 you?

23 A. When we arrived at the gendarmerie in Bossembélé, they all tied us up, my
24 father, the baggage carrier and myself, and they started beating us. They accused us
25 of being people who supplied the rebels. And my father told them that he was just a

1 retired person and then they beat him even more on hearing that.

2 Q. Why did they beat him even more because he said that he was retired?

3 A. They beat him because they accused him of being the person who supplied the
4 rebels.

5 Q. And afterwards, what happened?

6 A. From the gendarmerie, they took us in their vehicle in order to take us behind
7 Bossembélé station where the base was, and there that I was freed, but they continued
8 to mistreat my father and they continued to rape me and I was covered with wounds.

9 THE INTERPRETER: The interpreter corrects: It wasn't freed, it was untied the
10 interpreter believes.

11 MS DOUZIMA LAWSON: (Interpretation)

12 Q. Was it on the same day that they transferred you from the gendarmerie brigade
13 to the other base behind the station?

14 A. Yes, it was the same day, around 1800 hours.

15 Q. And you were still tied up?

16 A. When they transported us, we were untied and then they tied us up, they tied
17 my father and the baggage carrier up again, but I was not tied up then.

18 Q. Do you know why they tied them up?

19 A. I didn't quite understand the question. Please could you repeat the question.
20 I didn't understand your question.

21 Q. You said that when you arrived at the base behind the petrol station, only the
22 baggage man and your father were tied up again. So my question is to know
23 whether you know why they tied them up?

24 A. It was because they thought my father was a rebel. That's why they tied him
25 and the baggage man up.

1 Q. Apart from your father and the man that dealt with the luggage, I would like to
2 know --

3 THE INTERPRETER: I'm sorry, the interpreter missed the question.

4 PRESIDING JUDGE STEINER: Maître Douzima, I'm sorry to interrupt you. First
5 you're not giving the 5 seconds so the interpreter is having difficulties in following
6 you. Could you please repeat your last question.

7 MS DOUZIMA LAWSON: (Interpretation) I apologise, your Honour.

8 Q. Madam Witness, I would like to know what happened to you, you, your father
9 and the luggage porter at the second base, the one behind the petrol station.

10 A. I spent three days at this base without eating. I was not able to wash. Every
11 morning there was a new team that arrived and every day they raped me. There
12 were always three or four people who raped me and that for the three days I was
13 there.

14 Q. You said that you were raped during the three days in the presence of your
15 father and the baggage carrier and the other armed Banyamulenge; is that the case?

16 A. Indeed.

17 Q. What was your father's reaction?

18 A. My father was powerless. He couldn't say anything. The men were armed.
19 Nobody could do anything about it. My father was unable to do anything about it.

20 Q. You also stated that your house which was in the village near Bossembélé was
21 pillaged by the Banyamulenge. Do you know when this house was pillaged?

22 A. I don't recall the date. It was after the events that my mother arrived from our
23 native village to -- and gave us this information.

24 Q. What was in that house? What property was pillaged?

25 A. My father was a goat farmer. He had sheep too. He was part of a collective

1 and he bought goods and then resold them.

2 Q. Apart from the animals, what else did the Banyamulenge take?

3 A. They took all the goods from our shop.

4 Q. You stated that the Banyamulenge took your father on 28 January 2003 in the
5 morning before freeing you the same day; is that correct?

6 A. Yes, that's what I said.

7 Q. You returned immediately to Bangui to try and find him, but with no success; is
8 that correct?

9 A. It is.

10 Q. You eventually found the body of your father six months later in a grave in
11 Damara together with other bodies thanks to the efforts of the Red Cross; is that
12 correct?

13 A. It is correct.

14 Q. How old was your father?

15 A. He was born in about 1937.

16 Q. Could you explain the impact of the murder of your father on you and on the
17 other members of your family?

18 A. The disappearance of my father caused us all to be very sad. He had four
19 wives and he had 23 children. He was a big tree with many branches and in whose
20 shadow we all felt safe.

21 Q. And you personally, what did the death of your father, what effect did that
22 have on you?

23 A. Deep sadness as far as I am concerned because when he got his pension, he gave
24 me money allowing me to become a trader. And of course, once he had disappeared,
25 I was no longer able to do that.

1 Q. You are a rape victim. You described the rape to us earlier. And following
2 this, these rapes, you were -- you stated that you were infected and you then went to
3 hospital where it was discovered that you had AIDS; is that correct?

4 A. It is correct.

5 Q. How does this make you feel?

6 A. After everything I've been through, I'm no longer the same person, not in the
7 physical sense because I'm frequently ill.

8 Q. And from a mental point of view with regard to your feelings?

9 A. I have to admit that I don't have a sentimental life, if you'd like, feelings, I'm
10 HIV positive, and that is a determining factor.

11 Q. You said that the way people think is that being HIV positive is really a death
12 sentence, which is why that you have avoided talking to this -- talking to your
13 children about this. Are your children not -- your children are not aware of what has
14 happened to you, but has there nevertheless been an impact on them?

15 A. I didn't want to tell my children. They are children. They're not very old, and
16 children of that age, if they were to know that their mother was suffering in this way,
17 then it's like having a death sentence hanging over you. So I thought it was better to
18 not to tell them so as not to have them carry this burden.

19 Q. Are you able to take good care of yourself?

20 A. I don't have the money for medical treatment. I am following a free form of
21 therapy, but when I fall ill, I have to buy any medication myself.

22 Q. Are you always able to buy the medication that you require if you fall ill?

23 A. If I don't have the means myself, then my brothers and sisters help me.

24 Q. Do you still suffer from the consequences of your rape?

25 A. Yes, I suffer consequences. I have pains in my lower abdomen and in my back.

1 Q. In your request to participate on page 11, you stated that your health has
2 become very delicate. You're in a poor state of health. Is this still the case today?

3 A. No. My health is very delicate.

4 Q. Can you perhaps explain in more detail what you mean by having a fragile state
5 of health?

6 A. Frequently suffer from a fever, from pain, from curvature, muscle pains, and
7 this happens frequently. It's a recurring problem.

8 Q. At the time of the events, did your children, who were still young at the time,
9 did they go to school?

10 A. At the time of the events, yes, they did attend school.

11 Q. And thereafter?

12 A. They dropped out of school.

13 Q. Why did they drop out of school?

14 A. I don't know. That's a question you would have to put to them.

15 Q. You didn't ask them the question?

16 A. My daughter dropped out because she became pregnant. My son passed his
17 driving test and became a driver. And I don't have the money to pay for their
18 schooling.

19 Q. You accepted to present your views and concerns to the Chamber today. What
20 do you expect from the Court?

21 A. I expect the Court to make a statement, I threat the Court to condemn.

22 Q. On 21 March, the Court concluded, beyond all reasonable doubt, that
23 Jean-Pierre Bemba Gombo was responsible as military leader for the crimes of murder,
24 rape and pillage committed by his forces as part of the operation in Central African
25 Republic in 2002-2003. What was your reaction to this news, Madam Witness?

1 A. I agree with the decision.

2 Q. How do you see your future?

3 A. The future is in God's hands. I believe in God. And I feel he will not abandon
4 me.

5 Q. Following this deposition, once you have expressed your views and concerns to
6 the Chamber, having done so, how do you now feel?

7 A. I feel good. I feel liberated. I feel relieved because I've been able to express
8 what I've been feeling for years. And I think that having had the chance to let this
9 out, I feel good, I feel better.

10 Q. You are -- are you expecting some form of reparation for the offences that have
11 been committed against you?

12 A. I think that would be the normal thing.

13 MS DOUZIMA LAWSON: (Interpretation) Your Honour, I believe I have
14 completed my questioning of this witness.

15 Madam Witness, thank you very much for having agreed to answer all my questions.

16 Your statements have been noted by the Chamber. I thank you very much.

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

18 Madam Witness, Judge Joyce Aluoch wants some clarification from you, so she will
19 put some questions to you.

20 Judge Aluoch.

21 JUDGE ALUOCH: Thank you.

22 Madam Witness, I'm sorry to have to put this question to you, but I need it clarified.

23 Did you have the two children before this rape ordeal, or during, or as a result of this
24 rape ordeal?

25 THE WITNESS: (Interpretation) I had my two children before the rape took place.

1 JUDGE ALUOCH: Thank you very much. I will not ask you anymore questions.

2 PRESIDING JUDGE STEINER: Madam Witness, Madam Witness, this now

3 concludes your statement. And before we conclude, I want to express the thanks of
4 the Judges for the time and trouble that you have taken to come before us in order to
5 present your views and concerns. We are very thankful to you.

6 Before you leave the room is there anything that you would like to say to the Judges?

7 THE WITNESS: (Interpretation) I would like to say the following: Today I am
8 nothing. I hope that the Court will be able to ensure some form of reparations so
9 that I can continue to live properly during the time that remains for me on earth.

10 PRESIDING JUDGE STEINER: Again, thank you very much, Madam, for appearing
11 before the Chamber to express your feelings, your views and your concerns.

12 I would ask please representative of VWU in Bangui to accompany the witness
13 outside the video link room.

14 (The victim is excused)

15 PRESIDING JUDGE STEINER: And I ask, please, the court officer to cut the
16 transmission now.

17 So with the second presentation first, for the sake of the record, I would like to make
18 it clear that Victim 555 and Victim 480 are not witnesses, although sometimes we
19 called them "witness" and they didn't give testimony, but rather presented their views
20 and concerns, and their views and concerns are not evidence in the case but, rather,
21 considered as submissions. So it's important because, mainly during the
22 presentation of Victim 555, many times this Presiding Judge used the wrong wording,
23 and I would like to avoid any misunderstanding.

24 I would like now, always with the purpose of accommodating different needs from
25 the parties and participants, to consult the parties and participant on the possibility of

1 starting with the final submissions tomorrow, instead of having three sessions of one
2 and a half hour, having two sessions of two hours in the morning. I presume that
3 we may be able to conclude after two sessions of two hours. If need be, we'll have
4 an extra session in the afternoon.

5 So first I consult the Prosecution whether it would be convenient for the OTP to start
6 tomorrow at 9 o'clock?

7 MR BADIBANGA: (Interpretation) Thank you, your Honour. Yes, absolutely.

8 The Prosecution can start at 9 o'clock tomorrow morning. And, in fact, we estimate
9 that our presentation will take one hour, no longer. Thank you.

10 PRESIDING JUDGE STEINER: Thank you very much.

11 Maître Douzima?

12 MS DOUZIMA LAWSON: (Interpretation) Thank you, your Honour. I will
13 speak after the Prosecutor. Tomorrow is fine for me, and I will ensure that I respect
14 the time limit set for me.

15 PRESIDING JUDGE STEINER: Thank you, Maître.

16 Mr Haynes.

17 MR HAYNES: Your Honour, we will present our submissions at the time that you
18 direct. Having heard what Mr Badibanga has to say, I think we'll comfortably finish
19 within two two-hour sessions.

20 PRESIDING JUDGE STEINER: Therefore, and thanks to the help of the Registry in
21 contact with our interpreters and court reporters, we are able to sit tomorrow
22 morning for two sessions of two hours each starting at 9 in the morning.

23 And we hope that this is enough for parties and participant to present their final
24 submissions. If not, we always have the possibility of a final hour in the afternoon, if
25 need be, but I hope not.

- 1 So I'd like to thank very much Prosecution, Maître Douzima, the Defence team,
- 2 Mr Jean-Pierre Bemba Gombo.
- 3 Thank you very much to our interpreters and court reporters.
- 4 We will adjourn for today and resume tomorrow morning at 9 o'clock. The hearing
- 5 is adjourned.
- 6 THE COURT USHER: All rise.
- 7 (The hearing ends in open session at 3.33 p.m.)