

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-V20-PPPP-0001

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Situation: Central African Republic

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

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki

6 Trial Hearing

7 Wednesday, 2 May 2012

8 (The hearing starts in open session at 9.32 a.m.)

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

10 Please be seated.

11 PRESIDING JUDGE STEINER: Good morning. Good morning. Could, please, court

12 officer call the case.

13 THE COURT OFFICER: Thank you, Madam President. Situation in the Central African

14 Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, ICC-01/05-01/08.

15 PRESIDING JUDGE STEINER: Thank you very much. Good morning. I welcome the

16 Prosecution team, legal representatives of victims, Defence team, Mr Jean-Pierre Bemba

17 Gombo. Good morning to our interpreters and court reporters. We will continue this

18 morning with the testimony of Witness V1, and for that purpose I ask, please, court usher

19 to bring the witness in.

20 (The witness enters the courtroom)

21 WITNESS: CAR-V20-PPPP-0001 (On former oath)

22 (The witness speaks Sango)

23 PRESIDING JUDGE STEINER: Good morning, Madam Witness.

24 THE WITNESS: (Interpretation) Good morning, ma'am.

25 PRESIDING JUDGE STEINER: I also notice the presence of Dr An Michels, the

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1 psychologist from VWU. Welcome the accompanying person.

2 Madam Witness, I hope you had the opportunity to rest throughout the night and that
3 you are ready to continue giving your testimony.

4 THE WITNESS: (Interpretation) Yes, your Honour, I'm ready.

5 PRESIDING JUDGE STEINER: Madam, I need to remind you that you are still under
6 oath; do you understand that?

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

8 PRESIDING JUDGE STEINER: Madam, I also want to remind you that if at any time
9 you feel tired, or distressed, or for any reason you need a break, you just let me know; is
10 that fine with you, madam?

11 THE WITNESS: (Interpretation) That is just fine by me, ma'am.

12 PRESIDING JUDGE STEINER: And finally, Madam Witness, I just wanted to remind
13 you that we expect you to speak slowly in order to allow our interpreters to do their job.
14 Today, the first person to question you will be Maître Zarambaud, legal representative of
15 victims in this case. Maître Zarambaud, you have the floor.

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

17 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

18 Q. Good morning, Witness.

19 A. Good morning, Counsel.

20 Q. Witness, I would imagine all the vagaries (sic) of the travelling from Africa to
21 Europe were such that I was unable to introduce myself to you during the familiarisation
22 session, so I will introduce myself now. I am Mr Zarambaud, and I am a lawyer
23 before -- and a member of the Bench -- correction, of the Bar in the Central African
24 Republic, and I am representing the victims in this case along with my colleague,
25 Ms Douzima Lawson, who asked you some questions yesterday.

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1 Now, Witness, I really don't have a lot of questions for you today. I listened to you
2 yesterday, and I admired you for your courage yesterday. I also thought you were very
3 brave, brave to decide to give testimony in open court without voice distortion, and I'm
4 sure that was perhaps not without risk for you, and you decided to take that risk, and I
5 wish to congratulate you for that.

6 Now, yesterday your answers were perfectly clear, and to my mind your answers showed
7 the interest that the legal representatives have in ensuring that victims give testimony.
8 We have been dealing with a number of witnesses, and we have heard testimony from
9 rape victims, but I think this is the first time we have heard testimony to the effect that a
10 witness has been raped by 14 people.

11 With the new international criminal procedure in effect now, which is a bit of a hybrid,
12 finding itself somewhere between the English tradition in which victims do not have
13 official standing and the French language legal tradition whereby the victim is a
14 full-fledged part of the entire process and not just a participant. So you see we have this
15 new system of international justice lying somewhere in the middle, and victims can also
16 appear in Court and give testimony, although their rights may be somewhat limited.

17 And I think in the future we will benefit from this possibility, and we do hope that legal
18 representatives will have opportunity to call more victims before the Court.

19 Now, my first question for you is as follows: How did you know that the people who
20 raped you were Banyamulengue? You gave an answer that I thought was satisfactory in
21 response to the question from my learned colleague, so I won't really ask you this
22 question. I'll move on to the next.

23 Could you tell us what physical harm you have suffered? What sort of side-effects or
24 lasting effects have you had subsequent to these events?

25 A. Thank you, Counsel. Well, as for the physical damage or harm, after everything

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1 that I went through, well, I can tell you this. You see, every woman has her monthly
2 period, but what I've seen is that each time I have my ovulation it is difficult for me to put
3 my finger into my vagina.

4 The second problem that I have is with my head. I just can't keep control of my feelings,
5 or keep myself under control as a human being. I have psychological problems,
6 disturbances, headaches, sometimes I even have hallucinations, and all of this is because I
7 was involved in these massacres and all these other atrocities committed by these men. I
8 also have problems with my lungs, because I was struck. I received blows.

9 Q. Thank you very much, Witness. Now, my second set of questions has to do with
10 the social, family, economic and financial consequences of what happened to you. Now,
11 from a financial point of view, the events that occurred have they kept you from working
12 for a living? Do they still keep you from working and ensuring the livelihood of yourself
13 and your three children?

14 A. Yes. Up until now I haven't been able to provide for my children. My mother
15 does work to help put food on the table for us and so did I, but after what's happened to
16 me I'm unable to work, or engage in trading, or anything like that.

17 Q. I see, to ensure the livelihood of yourself and your children.

18 PRESIDING JUDGE STEINER: Maître Zarambaud, just to remind you please to give the
19 five seconds because we could not listen to the end of her answer. You started talking.

20 MR ZARAMBAUD: (Interpretation) I was on the Sango channel, not on the French,
21 your Honour, so I think that is why I did that.

22 Q. I will repeat my question, Witness. I was asking you, under these conditions, ever
23 since the time of these events, how have you managed to provide for yourself and to
24 provide for your three children?

25 A. Thank you. Well, to provide for my children, well, I don't have enough money to

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1 raise my children. Sometimes I make little cakes out of cassava so that my children will
2 have something to eat so that they can at least have breakfast, but I'm not really in a
3 position to earn a lot of money to provide for them.

4 Q. Thank you, Witness. My last question within this series of questions has to do with
5 the social consequences of what you endured. Yesterday you gave an answer and you
6 were quite clear, but I would just like to seek some additional information from you.
7 Many victims, many witnesses, have been laughed at, scorned, ostracised and have had to
8 go away and live somewhere else where people didn't know them. In your own case,
9 why did you think it was necessary -- despite the insults you mentioned, why did you
10 choose to remain in your area; that is to say in Mongoumba?

11 A. Counsel, I can't turn my back on my village, on my home, because of what
12 happened to me. Where could I go to live in peace? I'll give you the example of Jesus.
13 He suffered in his flesh, but he did not turn his back on his town.
14 Now, it is true I have been insulted, but -- but that is not going to mean that I will leave
15 my village, or turn my back and leave my village. Thank you.

16 MR ZARAMBAUD: (Interpretation) In turn I thank you, ma'am. These are all the
17 questions that I have for you and I thank you for coming here and answering the
18 questions.

19 Your Honour, thank you very much for allowing me to put these questions to the victim.

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

21 Now, in accordance with the proposal made by the Chamber and as accepted by the
22 parties, I'll give the floor to the Prosecution to address some questions to Madam Witness.
23 Prosecution.

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

25 QUESTIONED BY MR BIFWOLI:

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1 Q. Good morning, Madam Witness.

2 A. Good morning.

3 Q. I am glad to hear that you rested well and that you are ready to proceed with your
4 testimony today.

5 My name is Thomas Bifwoli and I represent the Prosecution, and on behalf of the
6 Prosecution we thank you very much for your presence today. I will be asking you
7 additional questions regarding the testimony that you have provided to the Court. As
8 Madam President has informed you, if you need a break at any time please let the Judges
9 know. Do you understand, Madam Witness?

10 A. Yes, I understand.

11 Q. In your testimony yesterday, you stated that you have been to the Democratic
12 Republic of the Congo. My question is which place in the Democratic Republic of the
13 Congo that you have been to?

14 A. Thank you for that question. Here is my answer. When I went to Zaire, I wasn't
15 able to go through all the various areas. When I went there it was to buy my goods, and
16 I just stayed in the locality where I could find them. Every Friday there was a market
17 that was organised in that place. I thank you.

18 Q. Can you tell the Court the name where a market was organised on every Friday in
19 the DRC where you used to go to?

20 A. I can give you the name of this place. The locality that I would go to regularly to
21 buy my goods is called Libenge.

22 Q. How often do you go to Libenge?

23 A. It -- I didn't go to Libenge every week. When I brought back the goods, I would
24 not just sell them in my own locality in Mongoumba; sometimes I would go to Batalimo
25 and sell them there. So I might spend an entire week. I would have to wait until the

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1 next week to go to the market in question.

2 Q. Are you able to approximate the number of times you went to Libenge, let's say in a
3 month or in a year?

4 A. I went to Libenge three times per month.

5 Q. Which means of transport does one use to travel between Mongoumba and
6 Libenge?

7 A. It depended on you, yourself. You know, when we went there, it was with a view
8 to buying goods and everyone could try and find the appropriate means of transporting it.
9 Generally, it was on dug-out canoes. When we arrived there, having bought the goods,
10 they would load them into these dug-out canoes in order to cross to the other side of the
11 river; i.e., to go back home.

12 Q. What does one require to enter the Democratic Republic of Congo territory, if you
13 are not a DRC citizen?

14 A. In going to Zaire, given that we're Central Africans, we go first of all to the town hall
15 in order to pay the fees, 500 francs, and everybody had a document before crossing over.
16 Those who didn't have this document before crossing over had to pay the same amount,
17 and this document was called a jeton. Having paid for this document you then had to
18 pay for another document, a health document, which was 200 francs, and it was having
19 got all these documents you could get authorisation to enter into the market.

20 Q. Madam Witness, you testified yesterday that you can speak Lingala. Can you
21 distinguish Lingala spoken by a Congolese from that spoken by a citizen of the Central
22 African Republic in Mongoumba?

23 A. I can perfectly differentiate between the two, and if you wanted I could speak this
24 language before you here.

25 Q. Madam Witness, do you know if there were any Central African Republic forces, or

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1 military, based in Mongoumba between 2002 and 2003?

2 A. I know that in 2002 there was no FACA detachment in Mongoumba. Until 2003, I
3 didn't see one single FACA detachment in Mongoumba.

4 Q. And what about the gendarmerie, were they based in Mongoumba in the year 2002
5 to 2003?

6 A. In Mongoumba there was still the police, the gendarme. When they came, when
7 the police came, they left and others came back in order to replace them.

8 Q. Yesterday, at page 29, lines 9 to 10, edited transcript, you stated that you were raped
9 outside the military camp. Which military was based in this camp?

10 A. This is what I know about what happened: When soldiers were sent to
11 Mongoumba to ensure the security of the population, it was in this place that they were
12 based. Having finished their mission they left again, and then other people would come
13 who would be based in that place there.

14 Q. Can you clarify to the Court who was based in that camp at the time that the
15 incident took place?

16 A. The place that I indicated as being the place where I was raped was the place where
17 the Central African forces were based. I wasn't able to find out if they were the
18 gendarme or they were the Central African armed forces. All I know is that Central
19 African forces were based in that place there; that is to say, the place where I was raped.

20 Q. On the day that you saw the Banyamulengue, that's 5 March 2003, did you see any
21 Central African Republic soldiers or police in your area?

22 A. The soldiers that I saw, there was no soldier of my country among those of the
23 soldiers who I saw on 5 March, on that day. I'm able to identify the soldiers from my
24 country through their ranks. There were no police, nor gendarme. There were no
25 Central African forces in that place at that time.

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1 Q. How do you know this, Madam Witness?

2 A. How did I know there were no soldiers from my country in the place at that time?

3 Well, this is what I can tell you. I didn't see any Central African soldier on that day.

4 When I left into the town there was no soldier, nor policeman, nor gendarme. There
5 were just civilians in the locality. I didn't see any soldier from my country in the locality
6 on that day. I can't lie before God.

7 Q. And my last question on that topic, Madam Witness, is what language is spoken by
8 the Central African forces?

9 A. Central Africans know their soldiers through their dignity. They speak in French
10 and in Sango. The Central African soldiers cannot commit such atrocities. They are
11 disciplined and they behave with dignity.

12 Q. Now, let's move on to another topic. Yesterday, at page 17, lines 21 to 22, of the
13 edited transcript, and page 21, lines 20 to 21, you stated that the Banyamulengue said that
14 their president told them to take everything and not to leave anything, and that their
15 president also asked them to shoot everyone and not spare anyone. Did they tell you
16 who their president was?

17 A. Yes, they gave the name of the president before telling us everything that I've told
18 you.

19 Q. Please tell the Court the name of their president.

20 A. Before giving the name of the president, I had to swear an oath before the Court that
21 I would only tell the truth, and after my arrest they shot and they said the name of their
22 president. They didn't say the name of Patassé, or Bozizé, no. They just gave the name
23 of their president, which I remember to this day. They stated the name of Mr Bemba.

24 Q. Thank you, Madam Witness. Yesterday, you testified that your second -- during
25 your second rape you were raped by the river. How far was it from the military camp?

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1 A. Thank you. It was the riverbank, and at that place there was the military base and
2 it was at that place that I was raped. I am telling you everything I suffered and I
3 understand that the chief or leader in question and the soldiers are trying to deny the facts,
4 but what separates us is death and what brings us together is pardon, but I refer to my
5 Counsel and the Judges present here. Please do not forget that there is somebody, the
6 supreme person above everybody, who sees everything that happens, and he is able to
7 provide justice and that's what I can tell you.

8 Q. Can you clarify whether your second rape occurred within the military camp, or
9 outside?

10 A. I wasn't raped inside a house. It was outside, on the ground.

11 Q. Sorry, Madam Witness, I don't know whether you understood my question. I'll
12 repeat again. Your second rape, did it occur within the military base, or outside the
13 military base?

14 A. It was inside the military base. It was there that all the booty was deposited, and
15 because the camp was close to the river it was in this place that they were loading
16 everything into the dug-out canoes to get them to cross and I would state clearly that I
17 was raped inside the camp.

18 Q. Yesterday, at page 34, lines 19 to 20, you stated that when you arrived by the river
19 you saw boys coming who were carrying other property. Do you know if these boys
20 could see you being raped from where they were?

21 A. Yes, they saw me and I saw them. I recognised them. They were the inhabitants
22 of our town and they were also transporting booty, just as I was.

23 Q. And do you know what happened to these boys afterwards?

24 A. Having transported the booty and left it at the base I don't know what happened to
25 them, but what I do know is one thing. They're still alive. They live in the town.

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1 Q. Madam Witness, yesterday, at page 25, lines 5 to 7, and page 26, lines 3 to 6, you
2 stated that the Banyamulengue pillaged one car from the priest and another car from the
3 nuns. Then on page 27, line 3, you stated that you travelled in the bishop's car to go to
4 the gendarmerie premises. Can you clarify to the Court if the Banyamulengue pillaged a
5 car from the bishop as well?

6 A. What I saw with my own eyes, I saw these Banyamulengue take the vehicle which
7 belonged to the bishop, nobody else.

8 Q. Also yesterday, at page 26, lines 1 to 6, you stated that the Banyamulengue pillaged
9 a mattress and other items from the nuns' house. Can you specify the other items that
10 they took from the nuns' house? At least you provided the mattress. Please specify the
11 other items they took as well?

12 A. At the nuns' house I saw the cooker being taken, they took a TV and a fridge. This
13 fridge was too heavy. They asked me to help them transport it, but no -- no items were
14 spared from that house. They took suitcases and other things as well.

15 Q. Now, let's move at the mayor's place. At page 32 of yesterday's transcript you
16 stated that the mayor gave them money and then they took all his property. Again, I ask
17 you to specify the other items that they took from the mayor.

18 A. Myself, I transported a box and other -- there were other suitcases which were full of
19 objects. They took two sheep. I would clarify that this Muslim was a very rich man.
20 He was the one who supplied the town. He supplied the town with second-hand
21 clothing.

22 Q. Now, this Muslim man who was killed by the Banyamulengue, yesterday you stated
23 that the Banyamulengue took his sheep. Did they also take something else from this
24 Muslim man?

25 A. His wife had fled without taking any property with her. Those attackers were

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1 therefore able to gather up everything that was there. They ate up the food that was in
2 the house and defecated in the dishes that were in the kitchen. The kitchen utensils, they
3 used those utensils as toilet facilities.

4 Q. Did you ever receive compensation for the items that the Banyamulengue took from
5 you?

6 A. After suffering all those acts of violence and abuse, no one handed me an envelope.
7 I did not see anyone offering me an envelope of money, so I did not receive any
8 compensation. The only assistance I got, or help, was from the ICC. My parents, and to
9 be more specific my mother, also helped me to get treatment. Regarding any
10 compensation for lost property, I must say that I have not received anything whatsoever.

11 Q. Are you aware if those people whose items were pillaged received compensation?

12 A. No.

13 Q. And do you know if the pillaged items were ever returned to these people, or to
14 yourself?

15 A. As far as I know, after going through those difficult experiences, what I can say is
16 that the government of my country did not even consider restituting lost property to the
17 citizens, so this was never done. My country is a poor country, where it is difficult to
18 find clothing or something to wear, and that is why as victims we continue to complain
19 about our fate.

20 Q. Madam Witness, did the Banyamulengue do anything else to civilian property and
21 homes, apart from looting?

22 A. If I were to set aside my own personal injury and suffering, what I can tell you is
23 what I said yesterday; namely, that I know about the soldiers who abused me. Now,
24 when those soldiers arrived they had a victor's attitude. They felt that they were the
25 masters in our area, so they committed acts of pillaging. They did whatever they wanted

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1 to do. They attacked whatever house or whatever home they chose to.

2 Q. Madam Witness, how did the Banyamulengue transport the pillaged items to Zaire?

3 A. In my area we did not have any vehicles which could be used as means of transport.

4 All vehicles in my area came from Bangui, so in Mongoumba our means of transportation

5 was basically the canoe. So they used canoes to ship the items across the river. Now,

6 this is what happened: When they got to the riverbank, they would then load the items

7 onto canoes and ship them across.

8 Q. How do you know this?

9 A. These are things that I experienced myself, and that is what I am now narrating to

10 you. I am telling you the things that I saw. In our area, each individual owned a canoe

11 and no one used his neighbour's canoe. Now, the attackers used those canoes to ship the

12 stolen property across to the other to the other side of the river; namely, to Libenge and to

13 other areas.

14 Q. Madam Witness, you yesterday testified that an elder man who was a Muslim, who

15 resisted to give the Banyamulengue the sheep, was murdered. What happened to the

16 body of the elder man after being killed by the Banyamulengue?

17 A. Yesterday, I told you that when the attacks began there were no Central African

18 forces in my area. The young men of the area started to patrol our area, to detect any

19 signs of danger. At some point they alerted the people, particularly that lady who

20 decided not to flee but to stay on in order to protect her property and her parents'

21 property. That man who was killed was buried at the main cemetery of the area.

22 Q. Madam Witness, apart from the killings that you mentioned yesterday, are you

23 aware of any other killings by the Banyamulengue in your neighbourhood?

24 A. The killings that I saw I have already described to you. I am not aware of any other

25 killings that may have taken place subsequently, so all I can talk about is the killings that I

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1 have already mentioned.

2 Q. What impact did the crimes committed by the Banyamulengue have on the civilian
3 population in your neighbourhood?

4 A. These are the events that occurred in my area. You know, one needs to have
5 enough money to be able to feed one's family. Following the tragedy that befell my area,
6 there were cases of illness and malnutrition. Some people to this day are still
7 experiencing a difficult lifestyle because of the loss of their property. NGOs such as
8 Doctors Without Borders went to my area to address some health and educational needs,
9 as well as food needs. Many people lost their lives during those events. However, God
10 protected some.

11 MR BIFWOLI: Madam Witness, thank you very much for answering my questions and
12 we have come to the end of Prosecution questioning. Thank you.

13 PRESIDING JUDGE STEINER: Thank you, Mr Bifwoli.

14 We still have ten minutes. Before I give the floor to Defence, I would like to ask some
15 clarifications from Madam Witness. I'm not sure about the geography of the region.
16 That's why I need to ask you some questions related to the location of this naval base that
17 you mentioned, the place in which you were raped. You said it's close to -- it's on the
18 riverbank, or close to the riverbank; is that correct, madam?

19 THE WITNESS: (Interpretation) All what I have told you is the truth. In my area,
20 one could see the river quite clearly and easily. The military camp was located along the
21 banks of the river.

22 PRESIDING JUDGE STEINER: Madam Witness, I'm sure that you are telling the truth
23 because you are on oath, so when I ask you any questions it's because I need clarification.
24 It's not because I'm doubting your understanding of the facts.

25 Is this naval base close for instance to an embassy, or any other important building in the

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1 area?

2 THE WITNESS: (Interpretation) The military base was made up of a large building
3 which had been built by former president, Bokassa. That building hosted the military
4 base and that military base was not far away from the subprefectural office. The
5 subprefect's office is located opposite the residence. So what I can say - and I repeat - is
6 that military base was located not very far away from the subprefectural office.

7 PRESIDING JUDGE STEINER: Thank you, madam. Have you ever heard the name
8 "Port Beach"?

9 THE WITNESS: (Interpretation) I do not know that word that you have just used. I
10 have never heard it.

11 PRESIDING JUDGE STEINER: Do you know by chance whether the French and
12 Chadian embassies are located -- sorry, not whether, but where any of these embassies are
13 located?

14 THE WITNESS: (Interpretation) No, I have no idea.

15 PRESIDING JUDGE STEINER: Thank you very much, madam, for these clarifications
16 that were important for the Judges.

17 I ask Maître Kilolo, we have only five minutes. Would you prefer -- Mr Haynes, are you
18 the one representing Defence?

19 MR HAYNES: I am, your Honour, and I think in the circumstances it might be more
20 sensible to go to the break a little early, with respect.

21 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

22 Madam Witness, we are going to have a break now. You can have a coffee. You can
23 take some rest. We have a half-an-hour break. After the break, Defence will have some
24 questions to put to you. It's almost 11 o'clock. We will be back at 11.30.

25 I ask, please, court usher to take the witness outside the courtroom. In the meantime, we

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- 1 will suspend and resume at 11.30.
- 2 (The witness stands down)
- 3 THE COURT OFFICER: All rise.
- 4 (Recess taken at 10.56 a.m.)
- 5 (Upon resuming in open session at 11.43 a.m.)
- 6 THE COURT USHER: All rise. Please be seated.
- 7 PRESIDING JUDGE STEINER: Welcome back. Please, court usher, bring the witness
- 8 in.
- 9 (The witness enters the courtroom)
- 10 PRESIDING JUDGE STEINER: Madam Witness, welcome back.
- 11 THE WITNESS: (Interpretation) Good morning, your Honour.
- 12 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?
- 13 THE WITNESS: (Interpretation) I'm ready.
- 14 PRESIDING JUDGE STEINER: I will now give the floor to counsel for the Defence,
- 15 Mr Haynes. Just reminding Mr Haynes the recommendations given by VWU on the
- 16 mode of questioning due to the specificities of the case. You have the floor, Mr Haynes.
- 17 MR HAYNES: Thank you very much, your Honour.
- 18 QUESTIONED BY MR HAYNES:
- 19 Q. Well, good morning, Madam Witness.
- 20 A. Good morning.
- 21 Q. My name is Peter Haynes, and I am one of the counsel for Jean-Pierre Bemba. Do
- 22 you understand my role in these proceedings?
- 23 A. I understand.
- 24 Q. Good. And I'm going to ask you some questions on his behalf. I hope it will not
- 25 take too long, but if you listen carefully to the questions and answer them as concisely as

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1 possible it will be all the quicker. Do you understand that?

2 A. I understand that.

3 Q. Now, did you live in Mongoumba throughout the whole period from October 2002
4 until March 2003 when you left?

5 A. I always lived in Mongoumba.

6 Q. Thank you. And is it a relatively small town?

7 A. Mongoumba is a town that is not very big or very small.

8 Q. But it was small enough for you to know whether there were any soldiers there,
9 wasn't it?

10 A. The soldiers who were based there were quite visible. I had to know that they
11 were there.

12 Q. Thank you. And you can tell us that before 5 March there were no Congolese
13 soldiers based in Mongoumba, were there?

14 A. There were no Congolese soldiers at that date in Mongoumba.

15 THE INTERPRETER: Correction from the Sango interpreter: Before that date.

16 MR HAYNES:

17 Q. Thank you very much. And you never saw Mr Jean-Pierre Bemba in Mongoumba,
18 did you?

19 A. I never saw Mr Bemba in Mongoumba.

20 Q. And you didn't see any important person arrive in Mongoumba by helicopter
21 during the period October 2002 to March 2003, did you?

22 A. I haven't really understood your question. Could you please rephrase it?

23 Q. Yes. Did you see a helicopter land in Mongoumba at about that time?

24 A. No, I never had an opportunity, so I couldn't say anything about that.

25 Q. Very well. Now, just one other small thing: You've told us about a man whose

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1 name you understood to be Kovo. Do you know what that word means in Lingala?

2 A. I don't know what that name means. All I know is that that person was called
3 Kovo. I can't tell you what that name means.

4 Q. Very well. Well, we perhaps have an understanding of your level of Lingala. I
5 want to move on to something rather different. Do you remember that two years ago, in
6 April 2010, you went to Bangui to meet three ladies from the ICC?

7 A. I did not meet three ladies in Bangui, and at that period of time I did not go to
8 Bangui, to tell you the truth.

9 Q. Well, maybe we are not understanding one another, but do you remember meeting
10 two white ladies and an interpreter?

11 A. I remember meeting those three white women in my locality in Mongoumba, not in
12 Bangui.

13 Q. Then I apologise, it is my mistake. Do you remember that one of those ladies was
14 called Paolina Massidda?

15 A. I remember, because she gave me that name. She introduced herself to me using
16 that name.

17 Q. And she was the first lawyer who represented you; did you understand that?

18 A. She introduced herself and said to me that she had travelled to that place to take
19 statements from victims, and that the representatives of the victims were in Bangui.

20 Q. Thank you. And during the course of your meeting with these three ladies, was a
21 form filled out on your behalf?

22 A. I don't really understand the question that was put to me in Sango. Would you be
23 so kind as to rephrase your question?

24 Q. Of course I will, Madam Witness. During that meeting, were you asked questions
25 about what had happened to you?

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1 A. Yes, I was asked some questions about that.

2 Q. I'm sorry. And were you asked those questions in Sango, your native language?

3 A. Those questions were put to me in French, and there was an interpreter, and his job
4 was to translate the words into Sango so I could understand and communicate.

5 Q. Did you understand the questions that you were being asked?

6 A. Of course I understood the questions that were asked of me, and I gave some
7 answers about the violence and the abuse that I suffered.

8 Q. And was somebody writing things down while you were talking?

9 A. Yes, that is how it worked.

10 Q. And were your answers to the questions truthful and full?

11 A. The answers that I gave were specific and truthful, only in my humble opinion there
12 was an interpretation problem. I did make note of that, or notice that, during the
13 interview.

14 Q. How long did the process take of recording your statement and filling in this form?

15 A. It only took one day.

16 Q. Do you remember how many hours it took?

17 A. I would estimate the number of hours to be three.

18 Q. Thank you very much. And do you remember that you made a mark with your
19 finger on every page of the document?

20 A. Yes, that's how it was done.

21 Q. When did you make a mark on every page of that document with your finger?

22 A. I don't remember the date. These are events that go back to a long time ago.

23 Q. Well, they go back to two years ago in fact, but do you know why you made a mark
24 on every page of that document with your finger?

25 A. They asked me to do it in that way. My thumb was put into ink and then the

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1 thumb print was made on the paper.

2 Q. On the very last page of the document not only does your thumb print appear, but
3 there is also the signature of all the other three ladies in the room. Do you know why
4 they signed that page of the document?

5 A. No, I don't know.

6 Q. Well, let me see if I can help you. I don't want to embarrass you, but on the last
7 page of that document there is a declaration that the form has been read to you and
8 translated to you in Sango and that's why everybody in that room signed the last page,
9 wasn't it? It was signed by Paolina Massidda to say she'd read it to you in French, it was
10 signed by the translator to say she'd translated it to you in Sango and you put your finger
11 there to agree that that had happened, didn't you?

12 A. Yes. Yes, that's what happened, as is mentioned on the page.

13 Q. Thank you. So you do agree that what was written down by Ms Massidda was
14 read back to you in April 2010; is that right?

15 A. My words were taken down, but that wasn't re-read to me.

16 Q. Were you expecting to be asked questions about that form by Ms Douzima Lawson
17 yesterday?

18 A. I told you here that I was the person who had given this statement to Madam
19 Paolina. On the other hand, my words were not correctly taken down in writing.
20 I think the reason why is that there were some interpretation problems.

21 Q. Well, what I want to know is whether you discussed with Ms Douzima Lawson the
22 content of that form before you came to give evidence?

23 A. She came to have me listen to my statement. She told me that she had discovered
24 my dossier here and, having heard my statement, I told her that there were problems of
25 interpretation. What I had said hadn't been correctly interpreted to the white lady.

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1 This is what I replied to her.

2 Q. When and where did this conversation take place?

3 A. The interview took place in the town hall of Mongoumba.

4 Q. We might be confused here. I'm talking about the conversation with Ms Douzima
5 Lawson. Did that take place in the town hall of Mongoumba?

6 A. The interview took place in her offices, or chambers.

7 Q. When?

8 A. In my dossier it mentions the month of January, so it was at that time and on that
9 date that we met.

10 Q. So, so that we are clear, if something you have told the Judges was not recorded by
11 Ms Massidda, what would be the explanation for that?

12 A. I haven't understood your question properly, Counsel.

13 Q. Well, let me give you some examples. Why, for example, in that form is there no
14 mention of the pillaging of a church?

15 A. During my interview with Counsel Douzima, I pointed that out and she noted down
16 that development.

17 Q. Well, there are two possibilities, aren't there? The reason that does not appear in
18 your interview with Paolina Massidda is either because you didn't tell her, or because she
19 didn't record it. Which do you say it is?

20 A. I told you here, Counsel, that I told everything that had happened to
21 Counsel Massidda. I did it in the same way as I did to Counsel Douzima. I think there
22 was a transcription problem with regard to my comments.

23 Q. So it's not that you didn't tell her, it's that she didn't write it down; is that correct?

24 A. Yes, that's correct.

25 Q. And that would be true in relation to the fact that you -- there is no mention there of

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1 the pillaging of a convent?

2 A. That's correct. I pointed out the pillaging of the nuns' convent, so the problem was
3 due to the transcription of my words.

4 Q. Or the pillaging of the mayor's house. You mentioned that, but she didn't write it
5 down?

6 A. That's correct.

7 Q. Did you tell her about any murders?

8 A. Yes, yes, I did, because I was an eyewitness of these murders.

9 Q. Would it surprise you to hear she didn't write that down either?

10 A. If I could express myself well in French, then I'm sure she would have written it
11 down correctly. The only problem was that I don't understand the language that she
12 speaks, and I speak another language that she doesn't understand, so there was a problem
13 with regard to the interpretation of my words to her. I think that's where the problem
14 lies.

15 Q. Did you tell her you'd been raped by 14 men?

16 A. I spoke to her about that. I mentioned all these things.

17 Q. Well, we may have to check her recollection of that. Now, that -- those are the
18 things that do not appear, but there are certain things that do appear in what you said to
19 Ms Massidda which appear from your evidence now to be incorrect. Why would that
20 be?

21 A. The information that I've given here before the Court is precise and true. These are
22 facts, events that really happened, but unlike other words that are attributed to me I don't
23 know anything about them. I would prefer you to keep to what I'm saying here today
24 before the Judges.

25 Q. Well, I want to just see whether you agree with one particular assertion. And for

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1 everybody else's benefit, it's at page 18 of the demande de participation. And I will wait
2 for you all to get there.

3 You said, or what was recorded, is this: (Interpretation) "When I got there, they made
4 me enter a house. There were exchanges of gunfire. And when a bullet went close to
5 me, I lost consciousness."

6 (Speaks English) Now, is it true that you lost consciousness after a bullet passed close to
7 you?

8 A. I didn't say that. When I was taken, they didn't keep me inside the house. I lost
9 consciousness when they started abusing me, brutalising me, but the comments which are
10 attributed to me, or the words that are attributed me, is something I don't know anything
11 about. Certainly the person who interpreted my remarks at the time did not do it
12 correctly.

13 Q. Did a bullet pass close to you during that day?

14 A. I heard gunfire, but I can tell you that no bullet didn't touch me, come close, but
15 there was gunfire everywhere.

16 Q. You see, the phrase that interests me, that Ms Massidda has recorded, is:

17 (Interpretation) "There were exchanges of fire." (Speaks English) Did you tell
18 Ms Massidda there were exchanges of fire?

19 A. The soldiers of my country weren't present in the field, so with whom could there be
20 a confrontation? These Congolese soldiers were the only ones who were firing. I can
21 confirm there were not exchanges of gunfire. The Congolese were the only ones who
22 were firing.

23 Q. You see, that's the significance of it, isn't it? Ms Massidda recorded you as
24 describing exchanges of fire, which indicates there were two opposing military forces in
25 Mongoumba that day. Do you know how she arrived at the phrase "exchanges of fire" in

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1 your interview?

2 A. As I just told you, I did not see two groups of soldiers. The statements that you are
3 referring to I don't recognise, so I don't have an answer to give concerning these remarks.

4 Q. Did you also hear the sound of heavy weapons that day?

5 A. Yes. When they were deploying, they were shooting heavy weapons. These are
6 weapons they brought with them when they crossed over.

7 Q. So from where was coming the sound of heavy weapons?

8 A. I've already told you they invaded the town of Mongoumba. There were
9 explosions, there was gunfire everywhere. There was a heavy weapon in the courtyard,
10 and this -- and this was on the ground. There was a soldier who was firing it in the town
11 of Mongoumba.

12 Q. When did the Central African forces who were protecting the population of
13 Mongoumba leave?

14 A. I saw them with my own eyes, because on the 4th we were all together in
15 Mongoumba. On the 4th I saw Central African soldiers, but the day where I suffered the
16 atrocities I didn't see the presence of any Central African soldier. When these events
17 were taking place, there was no longer any -- at least I did not see any Central African
18 soldier.

19 Q. Thank you. So the Central African soldiers who were based in Mongoumba were
20 there on 4 March; is that correct?

21 A. That's correct, because the events took place on 5 March.

22 Q. Now, I want just to leave that to one side for a moment and ask you some questions
23 about something a little different. Before you met the ladies from the ICC, did you tell
24 anybody in authority about what had happened to you on 5 March?

25 A. I told you that after I left I was no longer in possession of all my faculties to be able

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1 to remember everything that happened to me after I recovered.

2 Q. Well, I may come back to that because I'm not sure I understand what you're saying,
3 but did you tell any Central African soldier what had happened to you in March of 2003?

4 A. There was not a single Central African soldier there. The Central African soldiers
5 did not intervene in Mongoumba. I, therefore, could not have said anything to any
6 Central African soldier. The person to whom I narrated what I had suffered was an
7 adult, a national of the Central African Republic.

8 Q. What about after Mr Bozizé came to power? Did you speak to anybody in
9 authority then about what had happened to you?

10 A. I am not sure that I have understood your question. When you talk about an
11 "authority" in the Sango language, are you referring to a traditional authority, or to a
12 political figure of authority? Please kindly repeat your question.

13 Q. It's a fair criticism. Did you tell the police what had happened to you?

14 A. Before President Bozizé took power there were no forces of order, no gendarmes
15 and no policemen in our area, so I therefore could not have talked to any such authority.
16 It is only thereafter that the police force was deployed in our area. Those in authority
17 were aware of what I had been subjected to, because it was common knowledge in my
18 area. Everybody talked about it. So I did not meet any police officer. All I had was a
19 conversation with an adult from my area.

20 Q. But you did go to the police, didn't you, to try and stop somebody spreading
21 rumours about you?

22 A. Yesterday I told you that I had a clash or a conflict with that person, because their
23 child was in a fight with my child, and it is the policeman who said that it was not for me
24 to compare myself to his child because I was the woman of the Banyamulengue. That
25 was an insult and it is for that reason that I went to complain at the gendarmerie. That

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1 was my testimony.

2 Q. You didn't complain to any magistrate, or judge, or prosecutor about what had
3 happened to you?

4 A. Let me tell you the following: In my country, in my area - that is in
5 Mongoumba - my area is a subprefecture and in a subprefecture you do not have a
6 prosecutor, or a magistrate. Any litigation within my area has to be taken to Mbaiki
7 town, where we have a prosecutor's office and a magistrate's office. I therefore do not
8 see which magistrate I could have complained to in Mongoumba.

9 Q. How was it arranged for you to meet the ladies from the ICC?

10 A. When they came to Mongoumba, I was not aware of their arrival. My house is
11 located quite far away from where they were staying. Some of the inhabitants of our
12 area went to meet those ladies and be registered. The mayor of our area has an office in
13 the area where those ladies were staying. He sent someone to fetch me to meet them so
14 that I could tell the ICC staff what had happened to me. It is then that I went to meet
15 those ladies, who put a number of questions to me.

16 Q. And are you aware of the possibility of receiving compensation for what happened
17 to you?

18 A. No, I was not aware of that.

19 Q. What, Ms Massidda didn't tell you that when you filled in the form to apply to
20 become a victim in this case?

21 A. She simply told me that her duty was to take down my statement, and that my
22 counsels would represent me at the appropriate time and that the entire procedure
23 required that a number of measures be taken in order to bring to book those who had
24 committed those atrocities in the Central African Republic and that thereafter the issue of
25 victims in the Central African Republic may be looked into. That is what she told me.

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1 Q. And you haven't discussed the question of compensation with your own counsel,
2 Ms Douzima Lawson?

3 A. I have not quite understood your question.

4 PRESIDING JUDGE STEINER: Mr Haynes, before you repeat, I would like to ask
5 Maître Douzima, in her quality as legal representative of the witness, whether this kind of
6 question would violate privilege client/counsel, or whether in your view there's no
7 problem of the witness answering to this kind of question?

8 MS DOUZIMA LAWSON: (Interpretation) Thank you, Madam President. In
9 principle the question does in fact breach the confidentiality of the discussions that I may
10 have had with my client, particularly mindful of the fact that we are not at that level yet.
11 Well, you listened to me, as I examined this witness, and I asked her what she expected
12 from the ICC. That is the question I put to the witness. I therefore do not see why, from
13 the beginning of Defence's cross-examination, they have continued to revisit issues which
14 have already been dealt with.

15 You see, I was already considering rising on further examination after the Defence, but let
16 me simply conclude by saying here that this indeed does breach the confidential nature of
17 my relationship and discussions with my client. Thank you.

18 PRESIDING JUDGE STEINER: Mr Haynes.

19 MR HAYNES: The only thing that is privileged that passes between a lawyer and a
20 client in these circumstances is advice, or discussions of the merit of a case. At this point
21 in time, the mere question whether the issue of compensation has been subject to a
22 conversation between this witness and Ms Douzima Lawson is neither confidential, nor
23 privileged.

24 But I think I know what the witness's answer is now and I will move on, but I don't
25 believe in these circumstances that this topic comes anywhere near privileged or

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- 1 confidential information. It is, of course, a necessary by-product of a system where
2 counsel both takes witness statements, deals with an individual as a client and then calls
3 her as a witness.
- 4 It's perfectly proper to examine anybody about things they have said previously, but I'll
5 move on.
- 6 PRESIDING JUDGE STEINER: I think it's a wise decision, Mr Haynes. You can
7 proceed.
- 8 MR HAYNES: I hope I always make those.
- 9 Q. In March of 2003 you were 19 years old; that's right, isn't it?
- 10 A. That is correct.
- 11 Q. And with whom were you living at the time?
- 12 A. I used to live with my mother.
- 13 Q. And who else was in that household?
- 14 A. In the same house we had my mother, my grandmother - that is my mother's
15 mother - my mother's brothers and sisters, my son and my two aunts.
- 16 Q. And I think as you've told us, your son in March of 2003 would have been two years
17 old?
- 18 A. Yes.
- 19 Q. I don't want to be intrusive, but to clear up something you said yesterday, was the
20 father of your son part of your life in March 2003?
- 21 A. Yes, we were still together, but I suffered those abuses in his absence. He had
22 travelled.
- 23 Q. Thank you. But since then you've had two more children. When were they born?
- 24 A. My partner withdrew. He abandoned me after I had been abused by those soldiers,
25 and it is only later on that I had other children and their ages appear on their birth

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1 certificates.

2 Q. Yes, but their birth certificates are not part of the record of this case. So if you don't
3 mind, would you tell me what years those two children were born in?

4 A. I do not remember the exact dates of birth. You know, I am not very educated.
5 All I can provide is an estimate on the ages of my children.

6 Q. That will do just fine. I'm sorry, I might have confused you. I was hoping you
7 could give us the ages of those children.

8 A. My first child is 22 years old.

9 THE INTERPRETER: Or, rather, 12 years old, the interpreter corrects.

10 THE WITNESS: (Interpretation) Sorry. My second child is a girl, she's eight years old.
11 And the youngest, or the last of them, is five years old now.

12 MR HAYNES:

13 Q. And again forgive my intrusion, but is the father of those two younger children your
14 current partner even though you may not be married?

15 A. No, we are no longer together. You know, what happens is that when I meet a man
16 in my life people begin to talk about it and rumours begin to fly, and so the man also gets
17 stigmatised and there are accusations about being HIV positive, and so on and so forth,
18 and that is how I am struggling to live without a man in my life.

19 Q. And just to complete this, the middle of your children, the girl, would she have been
20 born in 2004?

21 A. All I can tell you is the age of the child and you can calculate the details yourself to
22 determine the year in which the child was born.

23 Q. Okay. Well, I'll leave it there. Now, how far is Mongoumba from Bangui?

24 A. The distance between Mongoumba and Bangui is quite significant. When we
25 travelled from Mongoumba to Bangui, we would leave at 7 a.m. and arrive Bangui at 2 or

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1 3 p.m. if the vehicle we are travelling in does not have any technical problems. So if
2 there were no problems with the vehicle, we could be in Bangui by 3 p.m.

3 Q. Thank you very much. And we can probably look at a map in due course, but it's
4 due south of Bangui, isn't it?

5 A. Mongoumba is a town in the Central African Republic, it is one of the provinces,
6 and I told you that I lived in one of the provinces of the Central African Republic and that
7 my town was in the south of the country.

8 Q. Thank you very much. Do you know where PK12 is, or Damara?

9 A. I have never been to that place, but I have heard mention of it. I wasn't in the habit
10 or I did not have the opportunity to travel to that area.

11 Q. But do you know that they are places north of Bangui, the opposite side of the
12 capital city to Mongoumba?

13 A. Counsel, could you rephrase your question, please?

14 Q. Yes. Do you know where Damara is, for example, in relation to Bangui?

15 A. I do not know.

16 Q. That's fine. Now, I just want to come back briefly before we finish to something
17 you were talking to her Honour Judge Steiner about. On the other side of the Ubangi
18 River from Mongoumba is the Congolese town of Libenge, isn't it?

19 A. Yes, that was my testimony.

20 Q. Thank you. And on the beach or at the port in Mongoumba there is also a military
21 base or a military camp?

22 A. That is correct.

23 Q. And this is the last question before you get a well-earned lunch-break, but if you
24 cross the river from Libenge to Mongoumba do you see the military camp as soon as you
25 arrive at the port?

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1 A. Which -- which bank of the river are you talking about? Could you please clarify?

2 Q. I will try. Is the military camp at the port in Mongoumba?

3 A. Yes.

4 Q. And you've told us that you've crossed the river from Mongoumba to Libenge and
5 back again. When you cross from Libenge to Mongoumba, do you see the military camp
6 when you arrive in Mongoumba?

7 A. Yes, you can see the camp.

8 Q. So just to conclude this, anybody who crossed the river from Libenge to
9 Mongoumba would know where the military camp was, wouldn't they?

10 A. Yes.

11 MR HAYNES: Thank you very much.

12 PRESIDING JUDGE STEINER: Madam Witness, it's 1 o'clock. We'll have our
13 lunch-break. You can have lunch, try to take some rest. We'll be back at 2.30.

14 I ask, please, court usher to accompany the witness outside the courtroom. In the
15 meantime, we will suspend and resume at 2.30.

16 (The witness stands down)

17 THE COURT OFFICER: All rise.

18 (Recess taken at 1.03 p.m.)

19 (Upon resuming in open session at 2.56 p.m.)

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

21 PRESIDING JUDGE STEINER: Good afternoon and welcome back.

22 Before I call the witness in, I would first ask court officer, please, to turn very briefly
23 into private session.

24 (Private session at 2.57 p.m.) * Reclassified into open session

25 THE COURT OFFICER: We are in private session, your Honours.

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1 PRESIDING JUDGE STEINER: Thank you.

2 The Chamber decided to address Defence in the sense that the Chamber will not
3 allow any question to the witness -- to be put to the witness that relates to her
4 previous or subsequent sexual life, or related to the paternity of her children. In the
5 views of the Chamber, these questions are not relevant to the case. If the Defence
6 thinks otherwise, the Rules of Procedure and Evidence provide the Defence with a
7 proper remedy; for instance requesting the Chamber for an ex parte hearing in which
8 the Defence can prove that such kind of questions are relevant for the facts of the case.

9 I was informed as well that Maître Douzima wanted to address the Chamber. Can it
10 be in private -- in open session, or you prefer to remain in private session, Maître?

11 MS DOUZIMA LAWSON: (Interpretation) Thank you, your Honour. I just
12 wanted to make some comments about the way in which the Defence is conducting
13 its examination of this witness, who is vulnerable. I saw -- if you don't mind, I can
14 do so in private session?

15 PRESIDING JUDGE STEINER: I think it's more adequate, Maître Douzima.

16 MS DOUZIMA LAWSON: (Interpretation) Thank you, your Honour. I think you
17 are one step ahead of me. Very quickly I would like to say that the way that the
18 Defence is conducting its examination of this victim is contrary to the usual rules that
19 are followed during this procedure. If -- we remain calm up until now, because, well,
20 before the Defence began, you reminded the Defence of the various measures that
21 were taken in light of the vulnerability of this witness, and we saw - and I said this a
22 few moments ago - that the Defence is spending their time going back to issues that
23 were dealt with yesterday, questions that were asked yesterday for which answers
24 were provided to such an extent that, really, this ultimately upsets this lady.

25 And I remind you, we all know this lady is vulnerable. That is why she has an

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1 assistant with her and a psychologist is present in the courtroom. Up until now I
 2 really haven't heard any new question put by the Defence, who are spending their
 3 time trying to throw this victim off balance.
 4 And I would like to stress one point. The Defence went back to the application form.
 5 Those are two different issues, your Honour. I discussed this yesterday and I don't
 6 see why the Defence is once again going back and asking the same questions. This
 7 form is a form, with various headings that you have to respect. You fill out a form.
 8 On contrast, when you give a statement or when you rather take a statement, you ask
 9 questions. So here the Prosecution has brought in some witnesses who have dual
 10 status who have both a participation form and that is not the same thing as a
 11 transcript prepared of an interview prepared by the Prosecution.
 12 Now, the Defence want to know what was said between myself, the counsel of this
 13 witness. The Defence revealed that the only thing that was confidential in terms of
 14 the discussions between a lawyer and her client were discussions and advice
 15 regarding the actual substance, and I'm quoting from the transcript, lines 13 to 17,
 16 page 37, and yet the client asked the -- my client, I beg your pardon, on a very specific
 17 issue, and I can see what the Defence is driving at. They said, "What did you say?"
 18 So this is breaking client/solicitor privilege and I really think that all the parties are
 19 here to help the Chamber, help the Chamber determine the truth, following the rules
 20 of the game.
 21 So that is what I had to say. Those are the comments that I wanted to make in
 22 relation to the way in which the Defence is conducting their examination of this
 23 witness, who I remind you is a very vulnerable witness.
 24 PRESIDING JUDGE STEINER: I hope we don't need to open a debate on these
 25 topics, Mr Haynes.

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1 MR HAYNES: I don't want to say anything, thank you. I merely have one inquiry
2 and that is what time your Honour proposes to finish this afternoon?

3 PRESIDING JUDGE STEINER: We started 15 minutes later. My question is
4 whether the interpreters will be able to give us 15 minutes after the -- after 4, so
5 quarter-past-4? If not, we finish at 4. I am in the hands of the interpreters because
6 they were available since 2.30.

7 THE INTERPRETER: Message from the interpretation team: We can provide an
8 extra 15 minutes.

9 PRESIDING JUDGE STEINER: Mr Haynes, we will sit 'til quarter-past-4. Thank
10 you very much to the interpreters.

11 MR HAYNES: Thank you very much.

12 PRESIDING JUDGE STEINER: We can go into open session, please.

13 (Open session at 3.05 p.m.)

14 THE COURT OFFICER: We are in open session, your Honours.

15 PRESIDING JUDGE STEINER: Thank you very much. Reminding the parties and
16 legal representatives of the recommendations given by VWU in terms of the mode of
17 questioning the witness, especially a vulnerable one, I ask, please, court usher to bring
18 the witness in.

19 (The witness enters the courtroom)

20 PRESIDING JUDGE STEINER: Madam Witness, good afternoon and welcome back.

21 THE WITNESS: (Interpretation) Good afternoon.

22 PRESIDING JUDGE STEINER: I hope you had the opportunity to take some rest
23 during the break and that you are ready to continue with your testimony?

24 THE WITNESS: (Interpretation) Yes, that's right, your Honour.

25 PRESIDING JUDGE STEINER: Madam, I want to remind you that if you feel at any

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1 time tired or distressed, or for any reason you need a break, just let us know.

2 I'll give back the floor to the Defence. Mr Haynes, you have the floor.

3 MR HAYNES: Thank you, your Honour.

4 Q. Well, good afternoon, Madam Witness.

5 A. Good afternoon, Counsel.

6 Q. I want to repeat and underline what the Judge has just said to you. We have
7 about one hour of questioning this afternoon, but if you feel that it is too much for
8 you, or you are tired or upset, will you please tell me?

9 A. I've understood.

10 Q. Okay. Now, do you remember just before we went to have our lunch you and
11 I were talking about the port in Mongoumba?

12 A. (No audible response)

13 Q. Did you understand my question? I was just reminding you that we were
14 talking about the port before lunch; do you agree?

15 A. I remember.

16 Q. And was it from that port that you took a boat to Congo-Brazzaville after these
17 events?

18 A. I didn't take -- I wasn't on the other side of the river on a boat. I want to
19 explain to you that Mongoumba is on the border between the Central African
20 Republic and Zaire. As far as I'm concerned, I was far away in the bush and it was
21 my mother who took me and had me cross over to the other side, more specifically to
22 the Congo.

23 Q. Well, perhaps I can put it another way. Did you travel with your mother on a
24 boat?

25 A. When my mother became aware of everything that had happened to me, of my

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1 rape, she was already there and she had to come back, because remember yesterday I
2 told you that someone had seen me in that state and that person went and told her,
3 and so she had to walk, had to cross through the forest, to come and get me. She
4 didn't have the strength to carry me. She had to pay someone and that person had
5 me cross over.

6 Q. Thank you. How long was the boat journey that you took to cross over?

7 A. Let me repeat: I never got into any boat. I made that entire trip by foot, along
8 with my mother. We walked. My mother came back on foot and she found me in
9 the bush in the Central African Republic. It was later that she paid someone to
10 transport me all the way to the Congo; Brazzaville to be more specific.

11 Q. Well, how long did the journey take?

12 A. When we went to the Congo, we spent three or four days and then I received
13 some treatment. I would say that our stay in the Congo was about one week.

14 Q. And for my own understanding, did you at no time cross the River Ubangi?

15 A. No.

16 Q. Okay. Now, let's leave that to one side for a moment. From the port in
17 Mongoumba you can take a boat to Libenge, can't you?

18 A. A bateau - a boat - from the Central African Republic can't go across to the other
19 side. Their boats also cannot come to us. There's only the boats from
20 Congo-Brazzaville who navigate on that river. You have to go from Mongoumba to
21 Singer in order to be able to go there, so I would repeat, a Central African boat cannot
22 go there.

23 Q. Thank you. You've anticipated my next question. You can also take a boat
24 from Mongoumba to Congo-Brazzaville, can't you?

25 A. There aren't even boats in Mongoumba. If you want to travel by boat, you

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1 have to board in Bangui in order to go to Congo-Brazzaville. All the Central

2 Africans take the boat, the Central African boats, to go to Congo-Brazzaville.

3 Q. Okay. Well, I think we're getting there. You can also take a boat from

4 Mongoumba and go up to Bangui, can't you?

5 A. Yes, it's possible for a boat to go from Mongoumba to go to Bangui. You know,

6 our river is a very large river and boats can navigate on it. Boats often sail on this

7 river.

8 Q. Thank you very much. Now, the first you knew of the presence of soldiers in

9 Mongoumba on 5 March was when your aunt told you about them. That's right,

10 isn't it?

11 A. It wasn't my aunt, it was my maternal aunt. My maternal aunt, that is to say

12 my wife's sister, was the one who alerted us. Mother's junior sister alerted us.

13 Q. And I think she lives about two kilometres away from your house; is that right?

14 A. That is correct.

15 Q. And that is two kilometres in which direction? Is it two kilometres in the

16 direction of Bangui, two kilometres in the opposite direction, or perhaps two

17 kilometres to the west? Which direction does your aunt live in from your house?

18 A. There's a road that separates us from my aunt's house. You know, each

19 neighbourhood has one and she was living in another neighbourhood, so first of all

20 you had to go through that neighbourhood before coming to ours and her

21 neighbourhood is on the upper part and we're in the lower part.

22 Q. Okay.

23 PRESIDING JUDGE STEINER: Maître Badibanga.

24 MR BADIBANGA: (Interpretation) Please forgive me for intervening here. I'm

25 just a bit lost here. I had the impression the questions that are being put with

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1 regards to the residence of the aunt is something that had been redacted, as far as
2 I can see in the documents. I didn't have the time to go through all of them, but
3 perhaps Mr Haynes could give us a reference as to where this information is
4 accessible? I have Annex 1 of this witness and I see that this information is redacted,
5 but I could perhaps be mistaken here. So I just wanted to have a couple of minutes
6 in order to verify where this information is to be found.

7 PRESIDING JUDGE STEINER: According to the copy I have, Maître Badibanga is
8 correct. So unless the Defence has a less redacted version than the Chamber has, the
9 witness is allowed not to answer to this question.

10 MR HAYNES: Well, I do and I'll hand it up to you.

11 PRESIDING JUDGE STEINER: Sorry, Mr Haynes, I was listening to the translation.

12 MR HAYNES: I'm sorry. The version I have at page 3, the second paragraph which
13 begins "ma tante habite" has the name of the area redacted, but its geographical
14 relationship to her home is not and that's all I've asked her.

15 PRESIDING JUDGE STEINER: Mr Haynes, the information we have is that the aunt
16 resides "Environ 25 kilomètres de notre maison," and that's it. Two kilometres.

17 MR HAYNES: (Interpretation) "Approximately two kilometres from our house,"
18 (speaks English) and that's all I've put to her.

19 PRESIDING JUDGE STEINER: So, Madam Witness, you don't need to say the name
20 of the neighbourhood where your aunt resides, but you can maybe inform the
21 Defence in what direction this neighbourhood is; to the north, to the south, to the
22 west or to the east, if you know of course?

23 THE WITNESS: (Interpretation) My aunt - my maternal aunt - lives towards the
24 east, on the eastern side.

25 MR HAYNES:

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1 Q. And it was from that direction that you believed the soldiers were approaching;
2 is that correct?

3 A. I don't have an answer to that question. I told you that when they deployed in
4 the locality they were seen by my aunt and that is how she came to alert us. I'm not
5 God. As such, I can't tell you precisely where they came.

6 Q. Thank you. So your evidence to this Court is that you do not know whether
7 these soldiers came from the north, the direction of Bangui, the south, the east or the
8 west? You don't know where they arrived from?

9 A. Sir, you asked me the question with regard to the place where they had arrived
10 from, but I'll put this question back to you: Where is Zaire? I ask this question to
11 the counsel of Mr Bemba. He knows the answer to this question and he's still asking
12 me this question, which I find a bit disturbing.

13 Q. Well, I want to ask you some more questions about the soldiers that you saw.
14 How many soldiers did you see in total?

15 A. Soldiers that I was able to see with my own eyes must be distinguished from
16 those who were deployed in the rest of the locality, so the group who I came across,
17 there must have been about 20 of them.

18 Q. And those soldiers were not wearing the camouflaged uniform of the army of
19 Central Africa, were they?

20 A. The uniform that they were wearing was green. They were also wearing
21 Rangers boots; military boots.

22 Q. So that we are clear, the group of 20 we are talking about are the group who
23 raped you and committed other abuses in the area; is that right?

24 A. The soldiers that I saw with my own eyes are not those who were deployed in
25 the remainder of the locality to pillage. I want to speak about the group I came

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1 across. These are the soldiers in that group who raped me and who made me
2 suffered all these -- made me suffer all these abuses, and thereafter they also carried
3 out pillaging; pillaging houses which were in the neighbourhood.

4 Q. You told us yesterday that some of them wore masks over their faces. What
5 did those masks look like?

6 A. Thank you. Yesterday I told you that there were just two people among the
7 group who were wearing masks. Their faces were obscured as happens in the
8 Sahara. They had also darkened their faces with products, which I don't -- I don't
9 know what those products were, and they also had -- they also had traditional
10 clothing.

11 Q. What sort of traditional clothing?

12 A. You can't call that clothing. This is a type of clothing that we call
13 Molembelembe (phon) which dancers wear to carry out traditional dances. It's a
14 type of skirt. One of them also had an animal skin, and I would assure you that this
15 wasn't clothing that white people have designed.

16 Q. When you say that the face masks were like those worn in the Sahara, had you
17 seen people from any particular --

18 THE INTERPRETER: There is an interpreter correction to be made with regards to
19 the Sahara, and it was actually referring to a slash or a marking in the face. That's an
20 interpreter error on that line.

21 THE WITNESS: (Interpretation) I'm going to explain my words once again. The
22 Sara are an ethnic group. They are part of the Central African ethnic groups, and the
23 members of this ethnic group generally usually have scars on their face or they slash
24 their faces as part of their traditional customs. Now, with this practice -- this is done
25 with the Baminga as well, and this is what I saw that these soldiers had. It's a ritual

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1 scar, ritualistic scarring that they have.

2 MR HAYNES:

3 Q. Thank you very much. What colour were the masks over the faces of those
4 who were wearing them?

5 A. (Indiscernible) I don't know any more than that, but they did blacken their faces
6 with a black product.

7 Q. Do you mean by that that they had lighter coloured skin than, for example, a
8 Central African?

9 A. There was only one soldier who had a clear coloured head. The others didn't.

10 Q. Something like the colour of skin that a Chadian might have?

11 A. Counsel, I've never been to Chad to know what colour they have. It's a natural
12 complexion, a clear complexion, that's something you can say, but with regards to
13 these people it looked to me like they'd coloured their face. The ones who I saw
14 didn't have a natural colour.

15 Q. Thank you. Now, I want to ask you about a few of the things they said to you.
16 Do you remember telling us that they asked you to show them where the border was
17 between Mongoumba and the Congo?

18 A. Yes, I remember.

19 PRESIDING JUDGE STEINER: Mr Haynes, sorry to interrupt you. Just for the -- to
20 be clear in the record, could you please when referring to DRC refer to Zaire, because
21 Congo can be Congo-Brazzaville, as the witness has referred many times, just to make
22 the distinction between the two of them.

23 MR HAYNES:

24 Q. And what did you show them when they asked you that?

25 A. I didn't show them anything, because when they took me I let them know that I

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1 was Congolese and I just came by way of visit, on a visit. I didn't want to tell them
2 the truth and I told them I didn't know the town limits in order to be able to indicate
3 that to them.

4 Q. Do you remember that they asked you to show them the military base?

5 A. It was their first question. Having caught me, they asked me this question.

6 Q. Madam, can you understand why anybody who had crossed the river from
7 Libenge to Mongoumba would ask you to show them the military base?

8 A. I will answer you in the following way: You are Mr Bemba's counsel. The
9 Banyamulengue went to the CAR with the blessing of Jean-Pierre Bemba and they
10 also went to Mongoumba; is that not true?

11 Q. Madam Witness, you're not allowed to ask me questions, but if they crossed the
12 river from Libenge to Mongoumba, as you told us this morning, they would know
13 where the military base was, wouldn't they? They wouldn't need to ask you.

14 PRESIDING JUDGE STEINER: Yes, Maître Douzima.

15 MS DOUZIMA LAWSON: (Interpretation) Yes, your Honour. I just wanted to
16 ask the Defence to give the reference to the answer of the victim who said that the
17 Banyamulengue came from Libenge to Mongoumba.

18 PRESIDING JUDGE STEINER: Fair enough. Mr Haynes.

19 MR HAYNES: I'll deal with it in due course. I think there are several references, in
20 fact.

21 Q. Can you explain why anybody who came from the DRC would need to ask you
22 to show them where the border was with the DRC?

23 A. I'm going to answer you. The Central African soldiers -- soldiers can never
24 in any case cross the river to Libenge in military uniform and vice-versa. I noticed
25 that they were well prepared, these people, and that's why they came to attack the

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1 town and they also asked me such type of question.

2 Q. Are you okay, madam? What do you mean by the term "loyalist"?

3 A. Please could you repeat your question, Counsel?

4 Q. Yes. Do you remember you told us about a car that crashed into a tree?

5 A. Yes, I remember saying so.

6 Q. And do you remember telling us that the soldiers decided that they had to do
7 something with the driver's body?

8 A. Yes, I do.

9 Q. And why did they say they had to do something with the driver's body?

10 A. As far as I am concerned, they wanted to take the body away at all cost in order
11 to let our soldiers understand that they were the only ones in control of the situation.
12 They didn't want our soldiers to know that any of their men had fallen at the
13 battle-front.

14 Q. Thank you, and I'll find a reference in due course, but yesterday when you were
15 talking about that you used the phrase "loyalist forces. They didn't want the loyalist
16 forces to know they'd suffered any losses." Who did you mean by the "loyalist
17 forces"?

18 A. Would you please kindly repeat your question? I did not quite understand it.
19 I have told you already that I do not understand French and some words have been
20 used in the French interpretation which I have not understood. Please, can you
21 explain to me what the word "loyalist" means? That way I might be able to
22 understand you.

23 Q. Well, I've found the reference. It's in real-time yesterday, 1 May, page 35 in the
24 English. You said, "They argued it would give the loyalists the impression they had
25 lost someone." Now, those are your words, not mine. What did you mean when

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1 you said "the loyalists"?

2 A. When they came to take the body, that is what they themselves were saying.

3 Some of them said that we were in a state of war and that it was better for the body to
4 be abandoned, but others objected to that idea, saying that if the Central African
5 soldiers did discover the body then they would know that they had lost some of their
6 men, and that is why they did everything possible to take the body away, put it in a
7 canoe and send it across the river.

8 Q. By "loyalist forces," did you mean forces loyal to President Patassé, the then
9 elected Head of State?

10 A. It is the soldiers from the other side who used that expression. They are the
11 ones who used that expression. They said themselves that if the Central African
12 soldiers ever found out that there was a body, then they would become aware of what
13 had transpired and it is for that reason that they decided to take the body away.
14 They could not have left it there.

15 PRESIDING JUDGE STEINER: Mr Haynes, please.

16 Maître Douzima.

17 MS DOUZIMA LAWSON: (Interpretation) Madam President, after the witness's
18 answer, I wonder whether the reference provided was in the real-time or the edited
19 version of the transcript?

20 PRESIDING JUDGE STEINER: Mr Haynes, I think you mentioned that it was in the
21 edited version?

22 MR HAYNES: No, real-time.

23 PRESIDING JUDGE STEINER: Real-time.

24 MR HAYNES: English, page 35 yesterday, and the other reference Ms Douzima
25 might like to look at is the very last question before the lunch-break. It's the same in

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1 both French and English and then she'll see what the purpose of the line of questions
2 was.

3 PRESIDING JUDGE STEINER: I just want to facilitate Maître Douzima. In the
4 French edited version it is page 28, lines 18 to 21.

5 MR HAYNES: Does Ms Douzima want me to wait so she satisfies herself that it was
6 an accurate quotation?

7 Q. Madam Witness, I don't like asking people like yourself about their knowledge
8 of the general situation, but were you aware at that time who was fighting against
9 forces loyal to President Patassé?

10 A. I have no idea.

11 Q. You weren't aware that General Bozizé was attempting to overthrow the
12 government of President Patassé with a rebel force?

13 A. When Bozizé was fighting to overthrow President Patassé, I was in the province.
14 This is what I have already told you. I was not in Bangui and I did not know all
15 what was happening there. I was in the province. In fact, I was not even interested
16 in knowing what was happening in the capital city.

17 Q. In March of 2003, did you know who General Bozizé was?

18 A. I know that in March 2003 the ex-president was still in power, but I did not
19 know who or what General Bozizé was. It is only after the events that I found out
20 that Bozizé was the liberator who had come to liberate and free us from slavery.
21 Prior to those events, I did not know who or what Mr Bozizé was, and I therefore am
22 not in a position to give you an appropriate answer to your question.

23 Q. Did you at that time know who Jean-Pierre Bemba was?

24 A. Yes, at that time he was the president of his country.

25 Q. And did you know what role he was playing in the civil war in your country?

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1 A. It is because he was fully involved in that conflict that I am here before this
2 Court today.

3 Q. Fully involved how?

4 A. He was involved in the following way, and this is my answer: He was not the
5 one fighting on the ground, but he is the one who sent the troops to fight in our
6 country and to subject us to all this suffering. That is why I am here today. That is
7 not why -- that is the reason for which I mentioned him. He was the president of his
8 country. He is the one who had the power to send those troops to come and commit
9 those acts of atrocity in my country. It is for this reason that I can talk about him by
10 name.

11 Q. Did you have any understanding of why he sent those troops?

12 A. No, I don't know why.

13 Q. You didn't understand that he sent them to support the elected president,
14 President Patassé?

15 A. That was after the events. In fact, it was only after the events that I contacted
16 people who were more enlightened than I am who then explained to me why those
17 people were present in our country. It is through such contacts that I got to learn the
18 reasons for which those troops had been deployed to our country, such as the conduct
19 of our president, and that is how I got to find out the reasons why things happened
20 the way they did.

21 Q. So I want to be clear about this. I'm going to come back to a question I've
22 already asked you. In March of 2003, did you even know who Jean-Pierre Bemba
23 was?

24 A. In 2003, Jean-Pierre Bemba was the president of his country. He was the
25 President of the Zaireans.

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1 Q. But is that something somebody has told you since March 2003?

2 A. I knew that well before then. When he was fighting for power, his fellow
3 countrymen fled the war zones and sought refuge in our country. When we put
4 questions to those refugees, they told us that a war was raging in their country. So I
5 didn't come to this understanding through someone else; that is, it isn't someone else
6 who told me that Bemba was the president in his country.

7 Q. Well, I'm going to try and conclude this section as quickly as possible.

8 Whenever you learned about it, is it your understanding that Mr Bemba sent troops to
9 support President Patassé?

10 A. I have just told you that in March 2003, on the 5th of that month, the events
11 broke out and it is only thereafter that we began to learn about or to receive that
12 information. You see, people had come from here and there to our area, and it is
13 those people who provided us with the information that those troops had been sent to
14 our country by Mr Jean-Pierre Bemba and I found out about these things after the
15 events.

16 Q. The reason why I ask you is because of your recollection that one of the men
17 who was there when the car crashed used the phrase "loyalist forces." That's
18 apparently what you said. And our understanding in this courtroom is that
19 Mr Bemba's troops formed part of the loyalist forces; do you understand?

20 PRESIDING JUDGE STEINER: Maître Zarambaud.

21 MR ZARAMBAUD: (Interpretation) With your leave, Madam President, I believe
22 that we -- I think there is some kind of misunderstanding about the whole idea of
23 "loyalist." A short while ago the witness -- and I'm referring here to this afternoon's
24 transcript, page 57, lines 19 to 21. The witness said that she did not know that
25 expression, that term "loyalist," and that she needed to be explained -- that that term

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1 needed to be explained to her. This means that she was using Sango words which
2 were translated into the expression "loyalist," which she does not recognise or
3 understand.

4 So we are putting into the witness's mouth an expression "loyalist" which she does
5 not know herself. That's the problem, Madam President.

6 PRESIDING JUDGE STEINER: The comment is welcome, Maître Zarambaud,
7 because I'm also concerned that we may have a problem here with translation because
8 of the number of the times the witness said that she has no idea what the term
9 "loyalist" means. So I don't know whether the -- maybe the Sango interpreter could
10 explain to us about what would be the closest possible translation of what the witness
11 is saying and that is being translated to us as "loyalist" if of course the comment of
12 Maître Zarambaud is correct?

13 THE INTERPRETER: Message from the interpreters: We believe it would be best
14 to do a transcript verification and then get back to the Chamber.

15 PRESIDING JUDGE STEINER: Thank you very much.

16 MR HAYNES: Let's -- yes. Well, we'll look forward to the transcript verification,
17 but it's been pointed out to me that at page 28 of the English edited version it still
18 appears as the word "loyalist."

19 Q. Now, let's try another word that these soldiers used to you. Do you remember
20 telling us that they told you they were afraid that you would betray them?

21 A. Yes, that is what they said to me. They told me that they were going to kill me
22 because if they set me free I was going to betray them; betray them to the forces or to
23 the inhabitants of my country. If they let me live, then I would possibly tell the
24 inhabitants or the forces of my country that they are the ones who had invaded our
25 town.

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1 Q. Well, you've pre-empted my next question, which is the only people to whom
2 you could have betrayed them were people within the Central African Republic,
3 weren't they?

4 A. It is the soldiers from the other side of the river who said those things to me.
5 According to them, if they spared my life I was likely to betray them to the Central
6 Africans, just as I am doing now.

7 Q. Why would that be of concern to somebody who is getting in a boat and going
8 back to the DRC?

9 A. That is the only way in which a human being can think. You see, if I steal
10 something I do not want to show evidence of my stealing to everybody. I don't want
11 everyone to know that I am the one who stole, or that I am the thief, and that is the
12 thinking that they must have had before saying the things they said to me. They did
13 not want me to understand that they were coming from their country. They wanted
14 to leave the impression that it was other forces that were involved. That was my
15 understanding.

16 Q. Oh, and how did they do that?

17 A. I am not sure I've understood your question. Could you please rephrase it?

18 MR HAYNES: I think I'll do it tomorrow.

19 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. I hope tomorrow Defence
20 can finish the questioning of the witness, or at least with more objective questions,
21 because the second part of today's testimony I think not too much came into light in
22 terms of relevance for the case at stake, even asking the witness to speculate on why
23 could possibly the soldiers think about something. I did not understand the
24 question as well, but in any case, Madam Witness, thank you very much. It has been
25 a long day for you. Also our interpreters, court reporters, need to take some rest.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-V20-PPPP-0001

1 We hope you have a very restful night, but we will have to continue with your
2 testimony tomorrow morning.

3 I thank very much Prosecution team, the legal representatives of victims,
4 Dr An Michels for her presence, VWU, the Defence team, Mr Jean-Pierre Bemba
5 Gombo. I thank very much interpreters, court reporters. We will adjourn for today
6 and resume tomorrow morning at 9.30.

7 Court officer, please accompany the witness outside the courtroom, and after that we
8 will adjourn the present session.

9 (The witness stands down)

10 THE COURT OFFICER: All rise.

11 (The hearing ends in open session at 4.16 p.m.)

12 RECLASSIFICATION REPORT

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

14 ICC-01/05-01/08-3038, the version of the transcript becomes entirely Public.