

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 Sentencing Hearing

7 Monday, 16 May 2016

8 (The hearing starts in open session at 9.06 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. The situation in the

15 Central Africa Republic in the case of the Prosecutor versus Jean-Pierre Bemba

16 Gombo, case reference ICC-01/05-01/08. And for the record, we are in open session.

17 PRESIDING JUDGE STEINER: Thank you very much.

18 I would like to welcome the Prosecution team, Legal Representatives of Victims,

19 Defence team, Mr Jean-Pierre Bemba Gombo. And before we start, I would like to

20 ask the attendees to introduce themselves, starting by the Prosecution.

21 MR BADIBANGA: (Interpretation) Good morning, your Honour. Good morning,

22 your Honours. Today in the courtroom for the Office of the Prosecutor, on my right,

23 Madam Sylvie Vidinha, case manager; on her right on the extreme right of the table

24 Horejah Bala-Gaye, who is a trial lawyer; behind we have Massimo Scaliotti and

25 Mr Thomas Bifwoli, they are also trial lawyers; and myself, Jean-Jacques Badibanga,

1 trial lawyer.

2 PRESIDING JUDGE STEINER: Maître Douzima.

3 MS DOUZIMA LAWSON: (Interpretation) Thank you, your Honour. Your  
4 Honour, your Honours, I am Marie Edith Douzima Lawson, Legal Representative of  
5 Victims, and I'm assisted by Madam Mélanie Vianney-Liaud, who is our case  
6 manager.

7 PRESIDING JUDGE STEINER: Mr. Haynes.

8 MR HAYNES: Good morning, your Honour. Today here for Mr Bemba are myself,  
9 Peter Haynes, and my co-counsel, Kate Gibson, and we're supported by Cécile Locolle  
10 and Chiara Loiero.

11 PRESIDING JUDGE STEINER: Thank you very much.

12 On 21 March 2016, Mr Jean-Pierre Bemba Gombo was found guilty under Article 28(a)  
13 of the Statute of all charges brought against him by the Prosecution.

14 On the same day, the Chamber initiated the sentencing proceedings. Today we will  
15 start with the hearing pursuant to Article 76(2) of the Rome Statute for the  
16 presentation of evidence and submissions on the appropriate sentence, as scheduled  
17 in decisions 3384 of 4 May 2016 and 3387 of 10 May 2016.

18 In accordance with decision 3387, today we would hear the testimony first of  
19 Dr Daryn Reicherter, Witness P-925, and Monseigneur Fridolin Ambongo, Witness  
20 D-63. As the parties and participants were informed yesterday, due to unforeseen  
21 circumstances, the order of appearance of the witnesses has been altered and we will  
22 start with testimony of Witness D-63 called by Defence.

23 Before we commence with that, the Chamber has a couple of oral decisions to deliver.  
24 The first one is oral decision on the applications to question witnesses P-925 and D-63  
25 by the Legal Representative of Victims.

1 On 12 May 2016, the Chamber received an application from Maître Douzima Lawson  
2 on behalf of the victims that she represents to question Witness P-925, filing 3389.  
3 The application contains a list of nine questions. On the same day, the Chamber  
4 received an application from Maître Douzima to question Witness D-63, filing 3388.  
5 The application contains a list of four questions.  
6 Having considered the reasons given by Maître Douzima as to why the personal  
7 interests of the victims she represents are affected, the Chamber allows her respective  
8 applications to question both Witnesses P-925 and D-63.  
9 Turning to the questions, the Legal Representative is allowed to put all of her  
10 proposed questions to both witnesses, as set out in her aforementioned filings.  
11 Maître Douzima, I would like to remind you that as ordered by decision 3384, you  
12 only have 30 minutes to examine each witness.  
13 The Chamber also issues an oral decision on the Defence request for leave to appeal  
14 decision 3384. On 4 May 2016, the Chamber issued its decision 3384 in which it  
15 decided to hold a sentencing hearing from 16 to 18 May 2016 and ruled on the  
16 evidence and submissions that the parties and participants were allowed to present  
17 therein.  
18 On 10 May 2016, the Defence filed a request for leave to appeal, filing 3386,  
19 identifying four allegedly appealable issues. The Defence does not explain on an  
20 issue-by-issue basis how each satisfies the requisite criteria. Instead, the Defence  
21 made broad submissions about decision 3384 without linking the relevant criteria to  
22 the specific issues identified.  
23 On 13 May 2016, the Prosecution responded, filing 3392, requesting the Chamber to  
24 dismiss the Defence's request for leave to appeal in limine. The Prosecution also  
25 makes individual submissions on why each of the four issues is not appealable.

1 The Chamber notes that indeed since the Defence failed to provide reasons as to how  
2 each of the four identified issues satisfies the relevant criteria, it may dismiss the  
3 request in limine. The Chamber has nevertheless considered the Defence's  
4 submissions in detail and finds that the relevant criteria for leave to appeal to be  
5 granted under Article 82(1)(d) of the Rome Statute are not met.

6 Accordingly, the Chamber rejects the Defence's request. A written decision with the  
7 Chamber's reasoning will be filed in due course.

8 Before we bring, I ask the court officer to bring the witness into the courtroom, I want  
9 to apologise, I forgot, it was my mistake, to welcome the interpreters and the court  
10 reporters that have always been with us during this whole procedure. So I apologise  
11 and give my warmest welcome to both interpreters and court reporters.

12 Now I ask please, court officer, to bring the witness into the courtroom.

13 (The witness enters the courtroom)

14 PRESIDING JUDGE STEINER: Good morning and welcome, Monseigneur Fridolin  
15 Ambongo.

16 WITNESS: CAR-D04-PPPP-0063

17 (The witness speaks French)

18 THE WITNESS: (Interpretation) Thank you.

19 PRESIDING JUDGE STEINER: First of all, we would like to thank you very much  
20 for taking the time to come and give evidence before this Court. We made our best  
21 in order to accommodate your needs, your busy schedule, and we thank you very  
22 much for accepting to come to this Court and testify.

23 Mr Ambongo, in front of you there is a card on which is printed, it is printed, a  
24 solemn undertaking. Could you please read out the words on the card.

25 THE WITNESS: (Interpretation) I solemnly declare that I will tell the truth, the

1 whole truth and nothing but the truth.

2 PRESIDING JUDGE STEINER: Thank you very much, Monseigneur. Monseigneur  
3 Ambongo, although you'll be testifying in open session and with your identity known  
4 to the public, there are victims, witnesses, and persons connected with this case  
5 whose identities are not publicly known. I would therefore ask you not to mention  
6 names of persons who may be considered vulnerable in the context of these  
7 proceedings. And if that is necessary, you just let us know and we can go into closed  
8 session or, if necessary, even into private session.

9 You will be questioned first by the Defence as the calling party, then by the  
10 Prosecution, followed by Maître Douzima, the Legal Representative of Victims in this  
11 case.

12 Lastly, if necessary, the Defence can redirect questions to you. Is that clear to you,  
13 Monseigneur?

14 THE WITNESS: (Interpretation) Yes, it's clear.

15 PRESIDING JUDGE STEINER: For your information, the Prosecution and Defence  
16 each has been granted one hour in total to question you and the Legal Representative  
17 of Victims 30 minutes. That means that the entirety of your testimony should not  
18 last more than two and a half hours.

19 Monseigneur, as we did with all of the witnesses in this case, I need to inform you  
20 that we have some important ground rules that must be observed during questioning.  
21 Because we speak different languages, there is interpretation so that we can all  
22 understand each other. Because of this, it is important that you speak slower than  
23 normal to allow the interpreters to do their job.

24 There is also what we call the 5 seconds golden rule, meaning that after a question is  
25 put to you, you should wait 5 seconds before you start giving your answer in order to

1 allow the interpreters to complete the translation of the question.

2 Since this may seem unnatural, it may be that you start speeding up. If that happens,  
3 I will have to remind you to slow down again. Please don't feel offended if I have to  
4 interrupt you. This is purely for practical purposes and should not discourage you  
5 from speaking.

6 Do you have any question, Monseigneur, before you start?

7 THE WITNESS: (Interpretation) No. That's fine.

8 PRESIDING JUDGE STEINER: Then I'll give the floor to Mr Haynes on behalf of the  
9 Defence. Mr Haynes.

10 MR HAYNES: Thank you, your Honour.

11 QUESTIONED BY MR HAYNES:

12 Q. Well, good morning, Monseigneur.

13 A. Good morning.

14 Q. How are you today?

15 A. Very well. I'm very well.

16 Q. So that we just get used to this exercise, I'm going to start by asking you some  
17 questions about your life and your work, okay?

18 A. Oui.

19 Q. What is your full name?

20 A. Fridolin Ambongo Besungu.

21 Q. And when were you born, Monseigneur Ambongo?

22 A. I was born on 24 January 1960.

23 Q. Where were you born?

24 A. In Boto, Boto.

25 Q. And where is that?

1 A. It's located in the new province of Ubangi South, what we used to call Équateur  
2 province in the Democratic Republic of the Congo.

3 Q. Okay. And can you tell us a little bit about your education, where did you go  
4 to school and university, if applicable?

5 A. Certainly. I went to primary school at the primary school in Bobabili, which is  
6 just 3 kilometres from Boto, so very close to where I was born. It's a large plantation,  
7 coffee plantation notably. And my father worked on the plantation.

8 I then went to secondary school and attended the Bongisa (phon) institute, which is a  
9 Catholic mission school. I completed my secondary education there, and in 1980 I  
10 graduated from secondary school with my state diploma. And I then entered a  
11 convent, that is to say I joined the congregation of Capuchin Friars Minor to become a  
12 priest, and I continue to be a member of the clergy.

13 I was first a novice, I was a novice in Bwamanda, that was the mission I originally  
14 joined. It was also in Bwamanda that I began to study philosophy with a view to  
15 becoming a priest. To become a priest, one studies philosophy and theology. I  
16 studied philosophy in Bwamanda and spent part of the time in Ndim when I was a  
17 novice. Ndim was a mission post on the east flank of the Adamaoua mountain  
18 range in the Democratic Republic of Congo.

19 I went to Kinshasa in 1984 to commence my studies in theology, and it was in  
20 Kinshasa that I was ordained as a deacon, that was having completed my theology  
21 studies.

22 In 1980 I was ordained a priest, a priest in the order of Capuchin Friars. I then  
23 worked for one year as a parish priest. That was in Bobito. That was from 1989 or  
24 rather 1988 to '89.

25 From 1989 I returned to Kinshasa to continue my studies in theology. I graduated

1 with a bachelor's degree in Kinshasa in moral theology.

2 From 1991 to 1995, I was sent to Rome, where I studied for a doctorate in moral  
3 theology, notably on matters concerning my country or rather Zaire under Mobutu.  
4 And I worked more specifically on the value of the human being in the framework of  
5 rehabilitation and poverty in the Democratic Republic of Congo. So in fact it was  
6 1995 that I became a doctor of moral theology. I then returned to my country and I  
7 became a lecturer of moral theology at the Catholic university of Kinshasa  
8 specialising more specifically in subjects regarding the dignity of human beings, so  
9 that was at the university, until I was appointed bishop in 2004.

10 Q. Thank you very much. And as a bishop, what is your diocese?

11 A. My diocese is called Bokungu-Ikela. Now, you're very unlikely to have ever  
12 heard of this diocese because it's a small diocese. Well, in geographic terms it's large.  
13 It has a surface area of 2,000 square kilometres. But it is very sparsely populated  
14 because we are located in the very centre of the equatorial forest.

15 Now, since 5 March of this year, I have been appointed an apostolic administrator of  
16 the archdiocese Mbandaka-Bikoro. So currently I am both leading my diocese of  
17 Bokungu-Ikela, but I am also taking care of the archdiocese of Mbandaka-Bikoro,  
18 awaiting appointment as archbishop by the Pope. So that is my diocese.

19 Q. Thank you very much.

20 Now, leaving aside your career in the church, have you held other responsibilities  
21 outside the church?

22 A. Yes, I have indeed. Upon my return from Rome, I was appointed director of a  
23 large development programme entitled the Integral Development Centre. It's a  
24 non-governmental organisation which was set up by missionaries and which has  
25 worked to support the population which was under us. This is a community of



1 people which has been abandoned and which was not covered at all by the  
2 development policy of Mobutu during the period that he was in power.  
3 In fact, he was from that region, but in his development plan, that area was entirely  
4 omitted. There were few missionaries, there were few Belgian development workers,  
5 doctors, specialists in agriculture, and a few Capuchin priests, that is to say priests of  
6 the congregation of which I am a member.

7 So we reflected on how we could best assist this community which had been left to its  
8 own devices and we set up a not-for-profit association to take in hand education,  
9 health, development. So a project was designed that would be an integral, a global  
10 development project which would take care of people from all sides.

11 So when I returned to Kinshasa, I was appointed director of that project, and it is one  
12 which has done a great deal to promote the development of the people of that region.  
13 Now, that was until I became a bishop.

14 When I became a bishop, and I continue in this capacity, at that time I was appointed  
15 president of the justice and peace Episcopal committee for the Congo and later for all  
16 of the countries of the Great Lakes region, that is to say Congo, Rwanda and Burundi.  
17 Currently we are working heavily in justice matters and human dignity matters in the  
18 Great Lakes subregion. And you know well the scale of the challenges that we are  
19 facing in that subregion, notably in those three countries.

20 Q. Thank you. So just to get the picture, you held the position you were talking  
21 about between 1996 and 2004, and then after you became a bishop, you were  
22 appointed president of the Episcopal justice and peace commission; is that right?

23 A. That's right. However, I would like to add one more thing. When I was  
24 director of Integral Development Centre for Bwamanda, I was also elected provincial  
25 superior for the congregation of Capuchin friars, and that meant that I was

1 responsible for all Capuchin friars in the Congo.

2 Q. Thank you. Can you tell us a little bit therefore about your responsibility as  
3 the provincial superior of Capuchin friars?

4 A. Well, I became superior at a very difficult time, a very troubled time in the  
5 Congo. I was elected provincial superior in 1997. The chapter was held in March of  
6 that year. At that point in time war had already broken out in the east; that is to say  
7 the war between Kabila and the FDL, that is the movement which had brought Kabila  
8 to power and which had ousted Mobutu from Kinshasa. So that war had broken  
9 out.

10 The Capuchin friars were working throughout the Congo but also in the north of  
11 Équateur province. We had Belgian, Italian and Canadian missionaries also. But as  
12 war approached and as we heard of all that was going on in the east, the general  
13 superiors in Rome asked those who were not Congolese whether or not or asked them  
14 whether it would not be better that they returned to their country during the war  
15 rather than suffering the trauma of war.

16 So I had barely been elected superior when war reached our region. Kabila took  
17 power in May. I think it may have been about the 20th of May, but in any case in  
18 May. And that was a few months after I was elected superior.

19 All of the missionaries left, and so I started my work as superior by travelling to visit  
20 my brothers in the region, a region which had been heavily looted. As you know,  
21 Mobutu's soldiers did not stand and fight the enemy when it approached, rather, they  
22 would flee. But before they would flee, they would loot. They would destroy, they  
23 would rape women and then they would flee.

24 We lived through all of those events, through that trauma. I lived through it as a  
25 superior at the side of my brothers, but also as the director of the Integral

1 Development Centre Bwamanda Project. It was a very difficult time.

2 Q. You've mentioned your brothers. One thing I neglected to ask you earlier was  
3 do you -- did you have family in the Équateur region?

4 A. I'm from the Équateur region, and as I said earlier, I was born in Boto, and Boto  
5 is in Équateur province. That's where I grew up and where I lived until I left  
6 Équateur for Kinshasa at the age of 24 years. And from the age of 24 years I lived in  
7 Kinshasa, that until I was appointed. But I am from the Équateur province.

8 Q. Right. And did your work for the NGO and as the superior of Capuchin friars  
9 take you back to Équateur from time to time?

10 A. It did indeed. As superior and director of the Integral Development Centre  
11 Bwamanda and also being a professor of moral theology at the Catholic University of  
12 Kinshasa, I lived in Kinshasa, at least -- but at least two or three times a year I would  
13 visit my religious brothers and the project of which I've spoken, which was taking  
14 place in Équateur province.

15 So I went at least two or three times a year to visit each of the locations where the  
16 religious brothers were located and also those locations where there were  
17 development centres to make sure that everything was running as it should.

18 This means that I should point out that when Kabila's troops entered the area, all of  
19 those locations were destroyed and we had to start anew.

20 Q. Well, you're one step ahead of me. I was going to ask you to give us a sketch  
21 of the Équateur region during the Mobutu years. Perhaps you could tell us the  
22 period we are talking about and what life was like in Équateur at that time?

23 A. Well, there is a myth in the Congo. Many people thought that Équateur, which  
24 was Mobutu's province, was a privileged province, whereas in fact, in reality, Mobutu  
25 did a lot, but not for Équateur, but for his village, which is called Gbadolite.

1 I was there only one month ago because the most recent meeting of the bishops of  
2 Équateur was in that town. So that was Mobutu's village. Originally Mobutu lived  
3 in Gemena, which is the key centre of the province. But that was back in the '60s.  
4 He came to power in '65. However, when he began to gain authority, he abandoned  
5 the village of Gemena and went to Gbadolite, which is also a village, and he went on  
6 to invest a huge amount of money to develop that village. It was originally a very  
7 small village but became a true town with large buildings. He also built a great  
8 barrier on the river there.

9 Now, he constructed that barrage not for purposes of development of that region but  
10 for his own personal comfort. However, as regards the rest of the province and the  
11 region that I am familiar with, that was left entirely to one side. There were no  
12 schools built, no roads, no health infrastructure. And that is why we set up our own  
13 development project to remedy the short-fallings of the Mobutu period.

14 Q. And just to clarify, what years are we talking about as the Mobutu period?

15 A. Mobutu came to power in 1965 and he was ousted in 1997.

16 Q. When did Kabila's forces arrive in Équateur?

17 A. As I said earlier, the AFDL war started in Goma. They moved from the east of  
18 the country to the west. We are located in the far northeast of the country, and so we  
19 were pretty much the last part of the area to fall under the occupation of Kabila's  
20 forces.

21 What I know about the advance of Kabila's forces is that Mobutu's soldiers were not  
22 motivated, because they were not being paid, they were not being fed well. As soon  
23 as they would hear that the enemy was approaching, all they did was loot, steal,  
24 destroy, rape and then flee. And as they would flee, Kabila's forces would advance  
25 in such a fashion that Kabila's forces managed to occupy the whole country without

1 really having to confront a true army, except near Kinshasa at Kenge. There was  
2 conflict at Kenge, but these were not Mobutu's soldiers but, rather, these were the  
3 people of Jonas Savimbi, the Angolan rebel who supported Mobutu back at that time,  
4 because Mobutu had supported him.

5 But aside from that, Kabila's arrival in an area meant systematic looting. But that  
6 looting was not by the incoming soldiers, Kabila's troops, but, rather, by those who  
7 were about to lose power, Mobutu's soldiers. And they basically sacked the entire  
8 country.

9 PRESIDING JUDGE STEINER: I'm sorry to interrupt, just for the sake of the  
10 transcript, Mr Witness, could you please spell the name of Kabila's armed forces?

11 THE WITNESS: (Interpretation) AFDL, the Democratic Alliance -- it's an  
12 abbreviation in fact, AFD, AFDL. The Alliance -- I'm not sure what the F stands for.  
13 But the D is democratic and L for liberation. So the something Alliance for  
14 Democratic Liberation, so the abbreviation is AFDL, AFDL.

15 MR HAYNES:

16 Q. For how long were Kabila's forces in control of Équateur?

17 A. Well, actually about one year, one and a half years, because Kabila came to  
18 power in '97, and his soldiers were forced out of part of Équateur and certainly out of  
19 the area where we were in 1998. So I think that Kabila was in the region for about a  
20 year, year and a half, in that part of Équateur.

21 Q. And how was life in Équateur during that period?

22 A. The situation was even worse than before. When Kabila's soldiers arrived into  
23 Équateur, they were operating on the understanding that the area had been  
24 privileged by Mobutu and, therefore, the people in that area should be punished.  
25 Kabila's soldiers were not trained soldiers. Rather, they were just a band of people

1 who had no military training and who had been placed under the command of  
2 Rwandan officers, who were basically Tutsis, because the movement had started in  
3 the east.

4 I would say this was largely powered by Rwanda-Burundi to oust Mobutu. Those  
5 who were in charge were Tutsis, but the soldiers were just boys, boys that had been  
6 picked up along the road as the army moved from the east, to such a degree that that  
7 army was without discipline, everybody was called commander. Sometimes these  
8 people were young boys, minors, which we called kadogo. Kadogo means child  
9 soldier.

10 So those little boys or those people who had no military training felt powerful  
11 because they had a weapon in hand. When they had a weapon in hand, they felt all  
12 powerful and felt that they could do anything. We went through this. We saw it  
13 ourselves.

14 When I would visit the area, I would see that there were barriers, roadblocks  
15 everywhere. One had to provide a credential, a letter, but we would be robbed in  
16 any case. While the letter was being read, we were told to sit on the ground with the  
17 weapon of little boys pointing at us. It was very frightening, something that we  
18 experienced.

19 That part of Équateur which was considered to be Mobutu's homeland, if you like,  
20 suffered tremendously. The people suffered tremendously during that period.  
21 Mobutu's soldiers looted all they could find as they fled, and those who arrived in  
22 considered you to be a supporter of Mobutu and punished you a second time. That's  
23 how things went. That's what we experienced during that period.

24 Q. Do you remember when the MLC arrived in Équateur?

25 A. Yes, yes. Yes, because for us the arrival of the MLC was good news, good

1 news for the people. To use Biblical terms, as of course I often do, this was seen as  
2 being good news, and I'll explain why. The MLC movement did not start in  
3 Équateur province but, rather, in Orientale province. But little by little, the  
4 movement moved into the Équateur province. And everywhere where the MLC  
5 moved in, Kabila's troops got ready to flee and they did just what Kabila's troops did.  
6 They felt that they were about to lose control of their area, and before leaving they  
7 had the same mindset as Kabila's troops and decided that they would leave nothing  
8 behind them and destroyed everything before they left.

9 In that part of Équateur where we have our operations, that part of Équateur was  
10 considered not only as being Mobutu's fiefdom, but also the province of the person  
11 who was at the head of the revolution, Jean-Pierre. He wasn't there at the time. But  
12 given that we were in Équateur, which was Mobutu's region, and was the region of  
13 the chief of this movement which had begun in the east, this led to great animosity  
14 against the people in the region who are considered to be conniving with those who  
15 had started the rebellion.

16 So we lived through great injustice. We were being punished for Mobutu, who had  
17 done nothing for the region, and then we were being punished for Jean-Pierre's  
18 movement, which had begun in the east and with which we were not even familiar  
19 yet.

20 When the MLC troops moved in, they had not arrived in Équateur, but as they would  
21 move region by region, they would secure the population, so we had had the  
22 experience of MLC troops arriving in the region, but we had really felt that that was a  
23 liberation in comparison with the puppet soldiers of Kabila, the non-soldiers of Kabila  
24 who had been in charge of the region.

25 So things worked better when Kabila's troops fled. Many of those soldiers spoke

1 Portuguese, by the way, although we don't speak Portuguese in the Congo. We had  
2 very little contact with those soldiers, and it was very humiliating for the local people.  
3 However, with the fleeing, the flight of those looting soldiers and the arrival of the  
4 MLC troops, the latter, the MLC troops were welcomed.

5 PRESIDING JUDGE STEINER: Mr Haynes, I think that we have a confusion here I  
6 would like the witness to clarify. On page 19, lines 10 and 11, the witness said, "We  
7 were being punished for Mobutu, who had done nothing for the region, and then we  
8 were being punished for Jean-Pierre's movement."

9 Is that exactly what you meant, Mr Witness?

10 THE WITNESS: (Interpretation) Yes.

11 MR HAYNES: Perhaps I can help to clarify.

12 Q. What form did the punishment take after the MLC entered Équateur? What  
13 was being done to the population at that time?

14 A. Well, I think I can speak with some authority on the matter because we had  
15 religious brothers located in the region, and we had a large project that we were  
16 operating. The first consequence for us was that communication ended between  
17 Kinshasa and that part of the Congo.

18 This is at the point in time when MLC entered the region. Communications stopped.  
19 It was not possible to reach the area by airplane. Radio was down, there was no  
20 radio communication with that area.

21 Now, when Mobutu fell, I, as superior of the Capuchans, coordinated the activities of  
22 my religious brothers in my capacity as superior. But I also coordinated the  
23 development activities for the community. Our development activities, for instance,  
24 in the health sector involved managing all of the hospitals in that sector. We were in  
25 the area, we the Catholics, but also the Protestants. The main thing was our health



1 centres and hospitals. But given that there was a kind of an embargo on the region,  
2 we could no longer transport medicines from Kinshasa into the area that was under  
3 our control and we had to abandon our healthcare programmes.

4 When it comes to education, it became impossible to get in contact with the  
5 authorities in Kinshasa to organise schooling and issuance of diplomas. We were  
6 working on coffee production, corn production, nut production and soya. This was  
7 a means for the local community to generate funds locally. But with the embargo,  
8 we weren't able to operate. So that was the first consequence, it became impossible  
9 to operate.

10 Q. Thank you. Just one other thing, were there any attacks on the civilian  
11 population during the early days of the arrival of the MLC?

12 A. On the contrary. The civilian population was protected. In fact, there is one  
13 thing I haven't yet said. When Kabila's troops fled in the face of the MLC advance,  
14 every day between noon and 2 p.m. Antonov planes, at least we called them  
15 Antonovs, a Russian aircraft, and MIGs, MIG-21s left Mbandaka, which was under  
16 Kabila's control, and came to bomb between noon and 2 p.m. every day. These were,  
17 you know, homemade bombs. They were barrels, large barrels, 200-litre barrels, and  
18 they were stuffed with explosives.

19 These were loaded in the aircraft. The aircraft took off. When it would arrive over  
20 a populated area like Bwamanda, Gemena, Libenge, Zongo, which is just opposite  
21 Bangui, the doors of the Antonov would be opened and the barrel would be slid out  
22 and it would fall wherever it fell.

23 Now, those bombs caused tremendous destruction in our area because they're blind,  
24 they're not guided explosives.

25 In Gemena they fell on schools, on health centre. And at the Bwamanda mission

1 where we were, they landed in the courtyard of the convent. This meant that at that  
2 time we had to move the training centre that was in Bwamanda to Bangui because  
3 everybody was fleeing Kabila's bombs, whereas when the MLC arrived, for the local  
4 community from the security point of view, that marked the end of the daily bombing  
5 between noon and 2 p.m.

6 Q. Thank you. And after they arrived, how else did things change for the local  
7 population?

8 A. The first feeling for the community was that finally we had peace again. A lot  
9 of people who had fled into the forest, into the bush returned to the villages and life  
10 began again. Life started to begin again.

11 The military, the MLC were or had Ugandans with them. And compared with the  
12 soldiers and non-soldiers that we had seen before, we now saw an army that took  
13 care of the population compared with what we had previously experienced. The  
14 MLC army took on the Defence of the population, and people felt safe when they  
15 were there.

16 Q. Thank you. That security, can we deal with how the health system functioned  
17 after they arrived?

18 A. I am talking about what we did, because there was no authority, there was no  
19 State, there was no government in existence in this region. One important thing was  
20 that I was in Kinshasa, but I was responsible for the north of Équateur. There was no  
21 means of communication or transport between Kinshasa and the north of Équateur.  
22 How did I move from one place to another? From Kinshasa I either went to  
23 Libreville or to Douala in Cameroon, and from Douala I would take a plane to Bangui  
24 in the Central African Republic. From Bangui I would make an arrangement with  
25 the immigration service so that I could go into Zongo.

1 When I went to Zongo, I would explain my situation to the immigration service, and I  
2 would ask them not to put a stamp in my passport because if they were to do so, I'd  
3 be straight into prison when I returned to Kinshasa because it was not accepted that  
4 somebody would come back from that area.

5 In Central African Republic they understood the situation, and I was given my visa  
6 on a sheet of paper, which allowed me to go into Zongo, and there I was able to visit  
7 my religious brothers. And from there I was able to start to reorganizing activities in  
8 the region. We started to reorganise schools, to reorganise the health service and the  
9 whole development process that had been in place previously.

10 So to come back to your question which related to health matters, where were we  
11 going to find the medications we needed? We had no contact with Kinshasa. The  
12 head of our health service, who was Sister Jacqueline, a Dutch nun -- she died  
13 somewhere in Holland, and I have visited her grave -- she got in touch with the MLC  
14 authorities. Contact was made with Jean-Pierre Bemba and she was appointed in the  
15 direction of Olivier Kamitatu, who was responsible for management, because we  
16 hardly ever saw Jean-Pierre Bemba. He was busy with his military tasks.

17 The person who was indicated to us as someone we could talk to was Olivier  
18 Kamitatu, and we were given authorisation to import medication through the Central  
19 African Republic, and either from Belgium or Holland, because the sister in charge  
20 was from The Netherlands, containers were sent to Douala, and from Douala Sister  
21 Jacqueline or some of our agents from Bwamanda crossed the Bangui river, and the  
22 containers were sent to Bangui, where we opened them. So we either -- or we  
23 brought them straight to Bwamanda. But this was only possible because the MLC  
24 authorised us to continue to do this, otherwise the population would just simply have  
25 been abandoned. So there we were able to supply the hospitals and health centres

1 under our charge, and that made life much easier for us during that period.

2 Q. What about schools and education?

3 A. So as Kinshasa had abandoned us, there was a risk at the end of primary or  
4 secondary education there were no diplomas for the children, because the diploma  
5 would normally have come from Kinshasa. So we contacted the MLC through  
6 Olivier Kamitatu and we were in contact with MONUC, MONUSCO these days, but  
7 this was the start of MONUC. They were the first to arrive in the area.

8 We explained the situation that the children were in. They had been abandoned to  
9 their fate, and they were likely not to be issued diplomas when they finished their  
10 education. So with the help of the MLC through the UN force mission, we were able  
11 to get the information from Kinshasa, it was sent to Gemena and Gbadolite, and then  
12 with this information the children could take the exams during the period in the  
13 occupied zone. This meant that the children were able to sit the State exams and  
14 thus be awarded their diplomas in this very difficult time.

15 Q. Thank you. And lastly, economic activity, how did the MLC promote that in  
16 your observation?

17 A. The north Équateur region under our control is an agricultural region. There  
18 are no mines -- there are diamonds, but there are diamonds everywhere. But the  
19 population lives from agriculture.

20 Before the MLC arrived all the agricultural produce from the community was  
21 purchased with a European Union subsidy. We've received every year aid from the  
22 European union allowing us to buy agricultural products in the north Équateur  
23 region. And our NGO, CDI Bwamanda had three large boats, we bought the  
24 agriculture boats. The corn, the coffee, the soya and some groundnuts, we put them  
25 on the boats and went to Kinshasa. Whence the coffee arrived in Kinshasa, there

1 was a machine which sorted the coffee into different qualities, and the best quality for  
2 export was sent towards Antwerp, Rotterdam or London, where we sold our coffee as  
3 part of the Max Havelaar programme, a programme which helps to promote fair  
4 trade for the population and to have the produce sold at a good price. We were  
5 working in this Max Havelaar fair trade programme.

6 When the war arrived, we were cut off from Kinshasa. So what were we supposed  
7 to do with our agricultural produce? How were we supposed to sell it? It was a  
8 major problem for us.

9 In the face of this problem, we again turned to the MLC, explaining that the  
10 population is starting to work again, but we have the problem of where we will sell  
11 our agricultural produce. The MLC authorised us to export our coffee out of the  
12 country to the west through Bangui. We had authorisation to do this. Coffee was  
13 brought to Zongo, where we put it in containers, loaded it onto lorries. Our coffee in  
14 containers went right through the Central African Republic, where in Douala it was  
15 loaded onto ships.

16 This allowed us to continue selling our produce. But there was a problem, of course,  
17 and that was a question of money. Our money came from Europe, and it was paid  
18 into an account in Kinshasa. We, of course, were cut off from Kinshasa, which made  
19 it impossible to get our zaires, which was the currency at the time, after we moved the  
20 Congolese franc. But we have to get it from Kinshasa to our province of north  
21 Équateur. The road was cut off. We went to see Olivier from the MLC and we  
22 were authorised to open an account in Bangui, from which we could draw  
23 considerable sums, which enabled us to buy the agricultural products in the area  
24 under their control.

25 So while we were cut off from Kinshasa, we were able to in this way have monetary

1 circulation in our region. We could pay for health. We could pay for schools and  
2 buy clothes and so on.

3 Q. Thank you. Just one more thing on this topic. Obviously you had a lot of  
4 cooperation with the MLC. Did you see how the MLC cooperated with other NGOs  
5 and MONUC during that time?

6 A. The MLC was not only working with us, but as I said, I'm talking about what is  
7 relevant to me, but the NGOs working at that time were denominational. The  
8 Protestants also had major hospitals in the area, and they were able to access the same  
9 regime as we were through our NGO. There were associations and NGOs set up by  
10 the local communities.

11 Once MONUC arrived and some international aid started to arrive in the region,  
12 there were NGOs that were created and they were offered cooperation and facility by  
13 the MLC in order to aid the local population.

14 Q. Thank you. Now, I want to move on as quickly as we can to as it were the  
15 peace process. You're familiar with the Sun City agreements, are you?

16 A. Yes, indeed.

17 Q. Did you play any role personally in the Sun City agreements or do you just  
18 know about them?

19 A. A role, no, because at the time I was head of the Capuchins, the director of the  
20 CDI Bwamanda and was at the university. I think our role could be described as  
21 more intellectual. Reflection in Kinshasa with the students, but also lectures and  
22 talks that I gave when I went to the north Équateur which was under the control of  
23 the MLC. I spoke a lot, gave lectures on the situation in the country and the  
24 processes that led to the end of the war.

25 Q. Yes, okay. Simple question, what happened to the ALC, the military wing of

1 the MLC?

2 A. I didn't quite understand the question.

3 Q. That's probably because it wasn't a very good question.

4 The MLC military force ceased to exist, didn't it? It became part of the national army.  
5 Did you witness that process?

6 A. Yes. Yes, I experienced this while I was in Kinshasa. After the Sun City  
7 agreements and the formation of the government which we referred to as one plus  
8 four, one president and four vice presidents, so four vice presidents, and the  
9 president of the MLC was one of the four vice presidents, so once the peace  
10 agreement had been signed, which was very well received in the Congo, I think more  
11 than enthusiastic, people were hopeful because we had been involved in war since  
12 1997 and up to 2003, it had been long years of war, so that was the end of the war, the  
13 Sun City agreements.

14 From the point of view of the population it was the reunification of the Congo which  
15 had been divided. There had been the part that belonged to the government, the bit  
16 that belonged to the RCD in the east with Ruberwa and so on. There was the north  
17 Équateur and part of the province Orientale, which belonged to MLC. So the  
18 country had been split. So Sun City meant for us the reunification of the Congo.  
19 So once the Sun City agreements had been signed, logically and as had been agreed in  
20 Sun City, the MLC militia was integrated into the regular army, so we no longer  
21 spoke about the MLC, they were no longer spoken of following the signing of the Sun  
22 City agreements.

23 PRESIDING JUDGE STEINER: Mr Haynes, you have a few minutes.

24 MR HAYNES: I know. I've got my eye on the clock.

25 Q. With that in mind, Monseigneur, can you try and keep your next few answers

1 as brief as you can? You'll recall the 2006 elections, presidential elections, and the  
2 outcome in which Mr Bemba lost. Do you recall Mr Bemba's reaction to losing that  
3 election?

4 A. Yes. I think to be truthful, it was an election that we were all awaiting with  
5 much -- with great hope, 2006, and I think that for the Congo it was the best election  
6 in terms of organisation in the history of the whole country. We've never had  
7 anything like it since.

8 There were two rounds in the election and two candidates moved into the second  
9 round. We had the feeling that the country was becoming militarised with elements  
10 of the MONUC may already have been MONUSCO, I'm not sure, but there were a lot  
11 of MONUC soldiers. And there was the KFOR, KFOR brigade, I can't remember the  
12 name, under the Germans primarily.

13 So there was a lot of protest by the population, but Jean-Pierre's reaction, I can't say,  
14 because it was not made public. But we saw the reaction, the general discontent  
15 expressed following the elections in 2006, the disputed victory for Kabila.

16 Q. Just a couple of things to finish. Do you know Jean-Pierre Bemba at all?

17 A. I think it would be going too far to say I knew him. But I saw him. I saw him  
18 three or four times perhaps. I saw him from the time he became vice president of the  
19 Democratic Republic of the Congo in connection with his position.

20 Q. Monseigneur, I think that's exactly an hour, so I'll sit down. Thank you very  
21 much.

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

23 I'll now give the floor to Maître Badibanga for the Prosecution's questioning.

24 MR BADIBANGA: (Interpretation) Thank you, your Honours.

25 Q. Good morning, Mr Witness.



1 A. Good morning.

2 Q. You've understood that I am Jean-Jacques Badibanga and I am a trial lawyer for  
3 the Prosecutor, and I am here to ask you some questions on behalf of the Office of the  
4 Prosecutor.

5 I believe, Mr Witness, that in the replies you gave to Mr Haynes, you have covered a  
6 number of subjects I wanted to raise, so we can be perhaps quite quick in our  
7 conversation.

8 If I may, your Honour, I would like to ask a small audio to be played. It's the fifth  
9 document on the Prosecutor's list, CAR-OTP-0094-1447. This is a document which  
10 lasts -- we'd like to play the first minute up to 1.29.

11 THE COURT OFFICER: Could you please confirm that the document is public,  
12 please?

13 MR BADIBANGA: (Interpretation) Indeed, the document is a public document  
14 accessible on the Internet, and that's the same case for all the documents that I will be  
15 using within this courtroom.

16 Your Honour, just for your information, I propose that all other audio sequences,  
17 that's to inform the court officer, I suggest they be shown after the break such that we  
18 can check everything, we can see that this is a single case that we're going to play  
19 now.

20 In order to save time, if the audio can't be played, then I'll go on to the next question  
21 and I'll come back to this later, if there are technical difficulties?

22 PRESIDING JUDGE STEINER: Could please, court officer, tell us what is going on?  
23 (Pause in proceedings)

24 PRESIDING JUDGE STEINER: Maître Badibanga, the Chamber would appreciate  
25 while the technician is on his way in order to find out what is going on, if you could

1 proceed with the questioning.

2 MR BADIBANGA: (Interpretation) Indeed, your Honour. And my apologies for  
3 the sudden nature of this.

4 Now, if the court officer could show a document on the screen, this is the sixth  
5 document on the Prosecution list. Now, this has the reference  
6 CAR-OTP-0094-0693 -- 0643.

7 THE COURT OFFICER: The document is displayed on the evidence 1 channel.

8 MR BADIBANGA: (Interpretation)

9 Q. Witness, do you see this document on the screen?

10 A. Yes.

11 Q. I would just like you to look at the document for a few seconds to familiarise  
12 yourself with it. This is an interview that you allegedly gave which was taken by  
13 Mr Besmond de Senneville on 9 February 2015. Now, this document is called "We  
14 Ask France to Put Pressure on Kabila."

15 Now, this is a visit that you are meant to have carried out in Europe. As president of  
16 the justice and peace committee, the Episcopal committee for the DRC, and this  
17 interview is meant to be with a meeting with the French authorities.

18 Now, could you first of all confirm that during this period in the month of  
19 February 2015 you did indeed have meetings with the French authorities?

20 A. I told you here that I'm the president of the Episcopal committee for justice and  
21 peace for the Congo, but also for Rwanda and Burundi. A very important part of  
22 our work within the committee is pleading. Last year I carried out two or three  
23 missions in order to put forward the case in major capitals in the United States and  
24 Canada, in Berlin, in Paris, in Brussels, and we were in Geneva, in London, on the  
25 issue of justice for democracy in our countries and also with regard to natural

1 resources in the Great Lakes region.

2 MR BADIBANGA: (Interpretation) I just have a few technical issues, if you'd allow  
3 me a couple of minutes. I've just lost everything that I had on my screen.

4 (Pause in proceedings)

5 MR BADIBANGA: (Interpretation) Apologies. I'm from the old school, your  
6 Honour. So pen and paper can do miracles.

7 Q. Now I'll come back to you, Witness. Now, you see, when you were asked the  
8 question, well, the first question, your answer, and here I'll quote, "We think that  
9 President Kabila" -- do you see this sentence here in the text, the sentence that starts,  
10 "We think that President Joseph Kabila wants to keep himself a head of state"?

11 A. No. It doesn't move on my screen. It has to go down. Now it's moving.

12 Q. Very well. Can you see the sentence now?

13 A. Yes.

14 Q. Could I ask you to read this answer? Well, to the end of it, so the entire answer,  
15 if you'd be so kind. Please could you read it aloud, if you could read it out, that  
16 would be very kind such that it can be interpreted for the Judges.

17 A. You would like me to read it?

18 Q. Yes, I would like you to read it aloud so that it can be heard by the judges, and  
19 they can have a translation thereof.

20 A. "We think that President Joseph Kabila wants to keep himself as head of state  
21 after 2016, a date on which he should leave power having had two consecutive terms  
22 of office. However, the constitution prevents seeking a third mandate. This will  
23 has been shown on several occasions. The regime has tried to change an article  
24 making it possible for it to stand. It also wanted to link the next elections to a census  
25 of the entire population. And in our country -- while in our country such type of

1 census takes at least four years, but these attempts have failed. Ten days ago risings  
2 took place in Kinshasa and parliament decided to renounce these projects."

3 Q. L'on vous demande en suite, "Pourtant le Président Kabila a toujours nié vouloir  
4 changer les règles constitutionnelles." Please could you read your answer?

5 A. It's not moving on the screen. It doesn't go up.

6 Q. You should start on the last line, Witness, and then you can continue on the next  
7 page.

8 A. So what would the last one be?

9 Q. In fact, I wanted your answer. So you start with "Yes, that's also what we were  
10 told."

11 A. That, I don't have that text.

12 Q. I will read the text and you can tell me if it corresponds with what you  
13 remember. So you're asked the question, "However, President Kabila has always  
14 denied wanting to change constitutional rules."

15 And you answer, "Yes, that's also what he has told us when we met two weeks ago.

16 But if he really wanted to renounce that, why would he not say it, say clearly that he

17 would not be a candidate in 2016? It is unclear. We have however the conviction

18 that the powers want to keep themselves in power against everything. And on what

19 basis? That is something that we don't know."

20 And in order to save time, I'd also like to read the last answer that you give a bit later,

21 page 644. It finishes with the number 0644, that page. Now, you're asked what are

22 you asking from the French authorities. And you speak about the message which

23 you delivered to the Elysée and to the Quai d'Orsay, and you state at a particular time,

24 "We have also issued a second message. We know that when a head of state wants

25 to keep himself in power despite the constitution, he's never alone. He's surrounded

1 by a group which contributes to this situation. We ask France to put pressure on  
2 President Kabila's entourage such that he leaves in 2016. These close persons need to  
3 be identified and sanctions have to be put on them either threatening to freeze their  
4 accounts in European banks or by prohibiting visas for them or by threatening to  
5 bring them before the International Criminal Court."

6 Do you recognize these words as yours?

7 A. Yes, and I assume that.

8 Q. Now, with regards to this extract, you ask that France puts sanction on Kabila's  
9 entourage and threatens them therefore, threatens to freeze their accounts, to ban  
10 visas or to bring them before the International Criminal Court. Could you tell us for  
11 what crimes within the jurisdiction of the International Criminal Court they should be  
12 prosecuted for?

13 A. Well, here we have to put my intervention here within the context, the context  
14 of events which took place in January 2005. Now, the authorities wanted to change  
15 the rules of the game. And what were the rules of the game at the time? Towards  
16 the elections, you were going towards the elections of 2016, it was the second  
17 mandate of Kabila. And the month of January, the authorities via the parliament  
18 brought out a law -- well, they were preparing a law which would say that the  
19 elections in Congo could only take place after a major plebiscite which should take  
20 place beforehand.

21 Now, we met the person responsible and we had an exchange with him. We spoke  
22 with Mr Lumanu, who was appointed the head of this institution which was  
23 responsible for carrying out the plebiscite. Now, listening to the major statistician, if  
24 I can put it like that, the specialists in statistics, they told us considering the situation  
25 in Congo where there isn't infrastructure, there are no roads, we have never carried

1 out a general census. There has been census carried out in the past, but such  
2 censuses were for people who were of voting age.

3 Now, here you're talking about a general census. This has never been done in the  
4 Congo. Now, that would take four years.

5 Q. If you would allow me, Witness, could I just ask you to focus on the part of the  
6 question that I put to you. Now, you state that a certain number of people should be  
7 brought before the International Criminal Court. I just wanted to follow in your  
8 reasoning to understand what is the legal basis of the Prosecution, what crimes in  
9 your opinion had these people committed, meaning that they should be brought  
10 before the International Criminal Court?

11 A. My answer has to be put in its context. And I think that it's interesting to listen  
12 to the context in order to better understand the context. Now, this was what I was  
13 saying, when we met Kabila, he was surrounded by certain people, we had an  
14 interview with him. And we understood that there was a group of people who did  
15 not have an interest in seeing him leave power because their interests were at stake.  
16 We know these people from the meetings that we had, and that is the reason why in  
17 the lobbying we carried out after the events in Kinshasa we asked that pressure be  
18 put on these people such that they cannot close Kabila in this logical framework of  
19 staying in power whatever happens. And unfortunately, that's what happens now,  
20 unfortunately.

21 What we said was that, exactly what's happened now. And for us, the International  
22 Criminal Court as a movement of justice and peace, like myself as a person  
23 responsible therein, I believe firmly in the International Criminal Court. I believe  
24 with all my heart that the ICC can enormously help ensuring that there is more justice  
25 in the world, that there is more consideration for persons throughout the world.

1 And we have also thought, and this is the reason why we asked, the ICC can function  
2 as a body which can dissuade future dictators if this case is hanging over them.

3 Now, as regard particular crimes, I can't mention particular crimes, but it was more a  
4 case of using the arguments and getting the ICC to act, if you would allow itself to act  
5 as an organ which would discourage these people from behaving in that way.

6 Now, with regards to particular crimes, that's something I can't say. That's the role  
7 of the Prosecutor.

8 Q. Now, the Prosecutor puts to you the following: Now, the journalist asked you  
9 at a particular time or the journalist tells you, "Well, President Kabila has always  
10 denied wanting to change the rules, the constitutional rules," and you answer "Yes.  
11 This is also what he told us when we met him two weeks ago."

12 And we understand that despite what the president said to you, you had doubts.

13 And on the basis of those doubts, your step you took as president of the Commission  
14 for Justice and Peace, and you say right from now you have to block the accounts of  
15 the people around him and you have to bring him before the ICC.

16 Do I summarise that correctly? Was that your approach, because you wanted to  
17 prevent future -- a future in which the constitution could be changed?

18 A. Yes, indeed.

19 MR BADIBANGA: (Interpretation) Could the court officer go on to document 8,  
20 CAR-OTP-0094-0646.

21 Q. Can you see the document, Witness?

22 A. Yes.

23 Q. Now, here there is an interview which was given for the magazine La Croix, a  
24 Catholic journal if I'm not mistaken, and here there is a preamble which explained  
25 that Monseigneur Fridolin Ambongo was the head of a delegation of members of the

1 justice and peace commission of the Conference of Bishops of the DRC, which went to  
2 the major foreign offices of Europe. And this Catholic bishop indicated that this was  
3 explained by the political situation in the DRC. Now, the delegation had talks with  
4 the French authorities as well as the German ones, the Belgian ones and European  
5 ones as well.

6 Now here they seem to quote you. You are given or attributed the following words:

7 "We think that President Joseph Kabila wants to keep himself as head of state after  
8 2016, the date on which he should leave power after two consecutive terms of office.

9 However, the constitution bans seeking a third mandate," he said. So that they say  
10 this is what you said.

11 And if I go a bit further down to the next paragraph, "Monseigneur Ambongo  
12 denounced the duplicity of the Congolese president who often indicated that he had  
13 no wish to change the constitutional rules. But Kabila has still not announced that  
14 he will not be a candidate in 2016."

15 Do you recognize these as your words?

16 A. Indeed.

17 Q. Now this article mentions France, Germany, Belgium and the European Union.  
18 Have you visited other western countries within the framework of this campaign?

19 A. We were in London. We went to Berlin at the time of Mary Robinson, we met  
20 with her.

21 Q. Now, just related to what we were saying a few minutes earlier, should we  
22 understand from what you say in this interview that you were acting in anticipation,  
23 that is to say that Kabila hadn't spoken about his real intentions and that by way of  
24 anticipation you were carrying out a campaign; is that correct?

25 A. Well, I think it's more than anticipation or pre-emptive action. We had



1 information available to us which showed us that the authorities were going in the  
2 sense of keeping Kabila in power. There was information on that.

3 Now, when we are told that pressure has to be put, that's because there was already a  
4 risk. It wasn't just prevention. We were already confronted with a reality, with a  
5 death that was in Kinshasa in the month of January 2015.

6 The people who wanted to demonstrate in order to defend the constitution, but the  
7 police fired at the population, 24 people died. Now, this fact, that's not just  
8 anticipation or preventive action, we were confronted by this reality. And we met  
9 Kabila the following week, the week following the massacre.

10 Q. In order to save time, I'm not going to put a third text to you, which also goes in  
11 the same direction. Jean-Christophe Ploquin also interviewed you, I think also  
12 within the framework of the same campaign. Now, when you carried out this  
13 campaign, I suppose you feel that you're speaking on behalf of the people, that you're  
14 expressing their expectations for change that you call for in the Congo?

15 A. Indeed.

16 Q. Now, my question is how did you gather this feeling from the population?  
17 Did you carry out a survey? Did you carry out a referendum? Did you carry out  
18 popular consultation? How did -- what puts you in a position in order to say to the  
19 European foreign offices that you are soon to take action? What makes it possible  
20 for you to say "this is the voice of the people that I express" and not your personal  
21 opinion?

22 A. Well, the answer is in the very structure of what we call the Episcopal  
23 committee for justice and peace. We, in Kinshasa, just speaking about the DRC  
24 aspect of it and just putting aside Rwanda and Burundi for the moment, but just with  
25 regards to DRC we have a central office in Kinshasa where I have my office, and in

1 each diocese, and there are 47 diocese in the Congo, in each of them there is an  
2 Episcopal committee or diocese committee which is responsible for this issue, and  
3 that in relation to the central office.

4 Now, in each diocese, these diocese are divided into parishes, and in each parish there  
5 is parish committee for justice and peace. And from the diocese level, parish level,  
6 we work with everybody, all men and women, whatever their political convictions  
7 are, whatever their religions are, we work with everybody on issues of the value of  
8 human being because we are convinced that the problem of the Congo today is not an  
9 economic problem. We are convinced that the problem in the Congo is linked to one  
10 thing, and that is man, Congolese men.

11 And the work that we want to do is to invest in Congolese man in order to revalorise  
12 that.

13 MR BADIBANGA: (Interpretation) Your Honour, I think it's time for the break.

14 PRESIDING JUDGE STEINER: Thank you very much, Maître Badibanga.

15 Mr Witness, we'll have a half an hour break. It's time for you to take some rest. It's  
16 11 o'clock. We'll be back at 11.30.

17 THE COURT USHER: All rise.

18 (Recess taken at 11.01 a.m.)

19 (Upon resuming in open session at 11.32 a.m.)

20 THE COURT USHER: All rise.

21 Please be seated.

22 PRESIDING JUDGE STEINER: Mr Witness, welcome back. Mr Witness, welcome  
23 back.

24 THE WITNESS: (Interpretation) Thank you.

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

1 THE WITNESS: (Interpretation) I am.

2 PRESIDING JUDGE STEINER: Maître Badibanga.

3 MR BADIBANGA: (Interpretation) Thank you, your Honour. For your  
4 information, your Honour, we have tried to resolve the audio technical problem;  
5 however, it appears that the problem is a little bit trickier than we had thought. We  
6 have turned down the volume of the audio equipment. That may help. And  
7 during the course of this hearing a laptop computer will be brought in to the room so  
8 we have a fallback solution.

9 So pending all that, we are going to proceed on the basis of paper documents  
10 available to us.

11 Could the court officer please pull up document 12 from the Prosecution list, that is to  
12 say reference number CAR-OTP-0094-0653.

13 Q. Witness, is it correct to say that you have attended various conferences and  
14 made various statements regarding the exploitation of resources in the Congo?

15 A. In addition to being the president of the Episcopal committee for justice and  
16 peace, I am the president of the Episcopal committee for natural resources in the  
17 Congo.

18 Q. Witness, whilst we resolve a few technical issues, could you just tell us whether  
19 you understand English, whether you have a reading knowledge of that language, or  
20 would you prefer to have a translation into French?

21 A. I would prefer translation.

22 Q. Now, do you see this document on the screen? It's a document which was  
23 published by, and I'll say this in English, by Ellen Teague and it's entitled "Catholic  
24 networks urge European action on conflict minerals."

25 Now I'm going to proceed directly to the third paragraph, which states the following,

1 and you're being cited here (Speaks English) "Since I know the misery our people are  
2 living in, and how the anarchi, non-coordinated and even illegal exploitation of  
3 natural resources contributed to the impoverishment of our people, we didn't hesitate  
4 to sign."

5 (Interpretation) Do you recognize these comments, Monseigneur?

6 A. Yes.

7 Q. Why do you believe that exploitation of natural resources contributed to the  
8 impoverishment of your people?

9 A. Well, I think that what we're referring here to is a paper that I have or a  
10 speaking engagement that I have had vis-à-vis the United Nations in Geneva and here  
11 in Brussels before the CNC. Our natural resources commission has carried out  
12 surveys in the Walikale territory, surveys regarding the mining of cassiterite and  
13 tantalite, coltan as we say generally.

14 Now, we have analysed the results of our survey and what we have found is  
15 revolting. And I would say it's revolting because -- first of all, I should point out that  
16 we make -- or we distinguish between official mining and small-scale mining.

17 Now, in Walikale territory, the mining of cassiterite is on a small scale. However, in  
18 that part of Congo you will see that conflict zones follow the mining sites. Where  
19 there is mining, you will find trafficking in weapons and the emergence of gangs.  
20 And this impedes the local people from mining and developing their community.

21 Now, we have seen this in Walikale. We have also been to Goma and Bukavu. We  
22 have seen that aircraft take off from Walikale. There is no airstrips. Rather, they  
23 land on the roads, roads between houses, and they carry 50-kilo bags of earth. So the  
24 earth is dug out, excavated and the planes then take off.

25 We have carried out research to find out where those planes are going to, and what

1 we've discovered is that there is a cassiterite processing plant in Gisenyi, but Gisenyi  
2 is in Rwanda. So what you have is the local community living in poverty, although  
3 natural resources are available.

4 Q. Thank you.

5 MR BADIBANGA: Could the court officer please display document 13, that is  
6 0094-0660.

7 THE COURT OFFICER: The document will be displayed on the evidence 2 channel.

8 MR BADIBANGA: (Interpretation)

9 Q. Do you see the document on your screen, Witness?

10 A. Yes, I have a document in front of me. Yes.

11 Q. Thank you. So to save some time I'm going to read these passages which I  
12 believe are of interest.

13 Once again it will be you who states "Whether" in this document "western countries,  
14 including Germany, wish to ensure the supply of natural resources, whether they do  
15 so in a legal framework, it should be done in a legal framework which is recognized  
16 worldwide rather than operating in a vague context as happens today with tragic  
17 consequences for the people who work in that context."

18 Referring to a proposed piece of EU legislation, the document says, "The purpose is to  
19 address the cause of conflicts in the Democratic Republic of Congo as it has been the  
20 case in the east for 15 years where mutilation, massacres, rape, slavery and massive  
21 displacement add up to suffering perpetrated against the local population by armed  
22 players who are financed largely by the riches of the earth."

23 Now, do you recognize that commentary?

24 A. Yes.

25 Q. So in this document you're saying that there is a link between natural resources

1 and conflict and that you have observed this in the east of the country over a period  
2 of 15 years. You also talk about suffering perpetrated against the local population by  
3 armed players. Is this also something which you have observed in your office?

4 A. Yes. This is what I was talking about, close links between mines and the  
5 circulation of small calibre weapons and the resulting lack of security for the  
6 community.

7 Q. One last extract from this document -- or from document 14, rather, this time,  
8 that is to say, CAR-OTP-0094-0657.

9 Witness, do you see the document on the screen? Very good. I'm going to read an  
10 extract from the third paragraph. This relates to a press conference which you  
11 attended on 9 or 10 September. I'm afraid I can't specify the date now, but I think it  
12 was 9 September 2015 in Bern in Switzerland and you said the following: "A civil  
13 war has been raging in the east of the country for 10 years. The army has control of  
14 the mines and pockets the profits of the mine at the cost of the indigenous  
15 population."

16 Now, I think that that comment is in line with what you've just said. My question is  
17 the following: And that is whether this situation which you are decrying is also  
18 decryed by the United Nations?

19 A. Yes, it is. Basically in United Nations reports on the Congo issued annually this  
20 question, this matter comes up. Each time that I have been invited to Geneva it has  
21 been to attend the Human Rights Commission of the United Nations, and on the day  
22 that Congo is discussed, these issues are aired. So these matters are known.

23 Q. Witness, when we read these documents carefully we see many references to  
24 the east of the Democratic Republic of Congo. Today I would like to have your  
25 opinion regarding the Équateur province.

1 In the period 1990 to 2003, that is to say during the period under which Équateur was  
2 under the control of Jean-Pierre Bemba's MLC, were the same types of malpractice  
3 denounced?

4 A. Regarding the period in question, I was not yet at the head of the justice and  
5 peace commission. To date mineral ores are not being mined in Équateur. We  
6 know that there are mineral ores in the ground, but they are not being mined. There  
7 are rivers where one can sift for gold and diamonds; however, mining of the type  
8 which we see in the east has not yet been developed in the region. At that period  
9 there were logging companies, there were a number of logging companies, but these  
10 pulled out during the war.

11 This means that today, when it comes to exploiting natural resources, Équateur is one  
12 that is very much sidelined.

13 Now, during the period that you are referring to here, mineral ores were not mined.  
14 There were no mineral ores or natural resources.

15 Q. I'll be returning to the matter of Équateur in just a moment. You know at one  
16 point in time MLC had under its control Orientale province and moved into Ituri.  
17 Do you have information regarding the mining of resources by the MLC in those  
18 areas, that is to say in Orientale province and in Ituri?

19 A. Well, I had heard, and I said it earlier, the movement began in Orientale  
20 province. Now, I was not yet in charge of the justice and peace commission. I was  
21 responsible for the Équateur part. During the war period, there were not phones,  
22 telephones as you have them today. Things are much easier today.

23 As regards what happened in the east, it was very difficult to know what was going  
24 on there. We did have some information through international media, but we did  
25 not have information on what was going on in Ituri or in Goma or Bukavu regions

1 because those regions were under the control of warlords. The country was divided.

2 MR BADIBANGA: Could the court officer please display document 16 from the  
3 Prosecution list, CAR-OTP-0094-0792.

4 Could we display page 0795, please.

5 THE INTERPRETER: Microphone, please.

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

7 Q. Witness, in this document it is stated here that "The expert group then gave a  
8 general overview of the links between mining resources and the continued conflict.  
9 It indicated, for example, that the clashes which have taken place over the last seven  
10 months in the Orientale or the eastern region and in the Kivu, between the Mai-Mai,  
11 who seem to be better equipped and better coordinated than before, and the UPDF  
12 and the MLC rebel group seem to be directly linked to efforts to mine coltan and  
13 gold."

14 Now, this United Nations Security Council document or report is dated 2001.

15 I would like another document to be shown to you, document 20 from the  
16 Prosecution list with reference number CAR-OTP-0094-0840.

17 THE COURT OFFICER: Could you please tell us the level of confidentiality of the  
18 document, please.

19 MR BADIBANGA: (Interpretation) Yes, all of the documents we have for this  
20 witness are public documents.

21 Q. Witness, while this document is being prepared, do you know the NGO  
22 Amnesty International?

23 A. Yes.

24 Q. Well, I won't read all of the passages in this document, because there are quite a  
25 few, but I will read one, which is on page 2 of the document, that is to say at reference



1 number 0094-0864.

2 As this document is in English, I'll read it out (Speaks English) "The battles for  
3 Kisangani ultimately left the city of Kisangani in the hands of RCD-Goma. But most  
4 diamond mining zones in the north of Kisangani were left in the hands of the  
5 Ugandan army and the MLC.

6 The city's population continues to suffer. Kisangani is now effectively an  
7 RCD-Goma enclave within an area controlled by Uganda and the MLC and is one of  
8 the most expensive cities in the DRC, dependent on provisions flown in at enormous  
9 cost from Goma, Kigali and recently from" -- sorry, "enormous cost from Goma, Kigali  
10 and most recently from Kampala. Even though the reopening of the river Congo to  
11 the public has facilitated freedom of movement and circulation, trade on the river,  
12 vital to the city's economy, remains largely prohibited by the MLC and RCD-Goma.  
13 Electricity and water are rationed, and petrol is in extremely short supply, making the  
14 population reliant on toleka (bicycle taxis) for public transport."

15 (Interpretation) Witness, this statement by Amnesty International seems to  
16 contradict what you were saying this morning when you were questioned by Mr  
17 Haynes when you were talking about the change and the improvement for the  
18 activities of the local population when the MLC arrived.

19 A. Yes, I don't think there is a contradiction because this report does not state that  
20 in north Équateur things were like this. I testified to the state of affairs in our area,  
21 that is to say north Équateur.

22 Q. I'm going to ask that document 21 is shown, 0094-0895. And I'd like to have  
23 page 0094-0903 displayed.

24 Mr Witness, this is a document from Crisis Group Africa. Again it's in English, I will  
25 read a short passage.

1 (Speaks English) "In the neighbouring DRC, Jean-Pierre Bemba partly financed his  
2 1998-2003 rebellion by controlling diamond mines just across the Ubangi River.  
3 Reports linking buying offices in the CAR to Bemba suggest he found in Bangui a  
4 useful conduit for exporting his gems to the international market. His willingness to  
5 send troops in June 2001 and again in October 2002 to defend Patassé showed how  
6 much he valued the regime's cooperation."

7 (Interpretation) When you were looking into the illegal exportation of resources, did  
8 you consider the funding of the rebellion, the conflict, how this was done, and in the  
9 context of this matter, do you have any information on where the money from  
10 Jean-Pierre Bemba came from?

11 A. I think that all the armies in the Congo worked in the same way. The armies,  
12 the militias and even the government army were supplied by natural resources, were  
13 funded by natural resources. And I therefore say it would not surprise me that the  
14 MLC in the throes of the crisis was able to have access to the same natural resources,  
15 but I don't know of any specific mechanisms relating to the MLC because at the time I  
16 did not have the same responsibilities I have now. But I can deduce that all these  
17 armies were funded in the same way from the same source.

18 Q. Mr Witness, if we had had an extra half hour, I would have shown you or read  
19 you more extracts particularly relating to what you said earlier about King Leopold II  
20 talking about the illegal exploitation of resources. At the time of Leopold II, I think  
21 that in your present position that you would have information about what happened  
22 2001, 2002, 2003, but we don't have the time. Therefore, I will show you the  
23 document, document which you -- which quotes you, which is 0094-0683.

24 Could we be shown 0685, please.

25 During this interview, the question here was how you interacted with the population,

1 how you took care of your flock. On this page it says -- you say, "The diocese was  
2 completely destroyed by different armies that went through it. There are no roads,  
3 the bridges were blown up and sabotaged by fleeing soldiers, the three vessels were  
4 taken by men in uniform. The diocese is itself cut in two by the river Tshuapa.  
5 This means that at present I can only visit part of my flock. In other words, in a  
6 situation of general isolation, we have completely abandoned a population that has  
7 no access route and which is not encouraged to produce and there is no -- because  
8 there is no way for the products to leave the area, we have the impression that we're  
9 not yet out of the war."

10 This is something you said at the end of two years after the war in August 2005. Do  
11 you recognize these words?

12 A. Yes, indeed. And I maintain this opinion.

13 Q. So for five years the region was under the control of the MLC. Can one in  
14 good faith assume that when you spoke of armies that passed through and sabotaged  
15 by the military that you also include the forces of the MLC?

16 A. Quite simply, I can say no. Why not? Look at the cake of -- the map of the  
17 Congo. We must have a map somewhere. I am from the diocese of Bokungu-Ikela,  
18 which is in the south of Équateur province. It was an area that was never under the  
19 control of the MLC.

20 Unfortunately, I don't have a map to hand to point this out to you. The region under  
21 the control of MLC is the north of Équateur. I worked there. But when I was  
22 appointed bishop, I wasn't a bishop where I was but in the south. And that region  
23 was under the control of the government. I spoke of the Antonovs coming from  
24 Mbandaka and where -- my diocese is halfway between Mbandaka and Ikela. And  
25 this is where the route went. This area was never under the control of the MLC.

1 MR BADIBANGA: (Interpretation) I still have two topics.

2 Q. Mr Witness, you spoke of coffee earlier. Do you recall this?

3 A. Yes, I do.

4 Q. To try and save time, I won't read all the extracts I have. But I would like to  
5 submit one hypothesis to you. According to some organisations, the United Nations  
6 for example, but other NGOs as well, there are allegations according to which the  
7 head of the MLC in the location confiscated the products in order to sell them for their  
8 own benefit on external markets. What is your response?

9 A. Whoever wrote this must have his sources, but we have our experience and  
10 during this time we were considered one of the greatest exporters of coffee in the  
11 Congo through Max Havelaar. Our experience is that our coffee was never  
12 confiscated by anybody. My NGO, despite the crisis, despite the war, stood fast and  
13 was able to obtain money through coffee which we exported through recognized  
14 channels. Max Havelaar is a well-recognized channel. No, our coffee was not  
15 confiscated by the MLC.

16 MR BADIBANGA: (Interpretation) Could the court officer please show document  
17 26, 0689. I suggest for the Court report that I will show the document and we will  
18 only show one of the videos that we had hoped to show.

19 Q. Mr Witness, this document I would like to see page 0696, paragraph 35, where it  
20 says, (Speaks English) "Then, in January 1999, in Équateur province, Jean-Pierre  
21 Bemba and General Kazini organized a large operation of the confiscation of coffee  
22 beans. Mr Bemba initiated, encouraged and perpetrated such practices in the  
23 province. In a written letter to one of his commanders, he urged him to release a  
24 bigger vehicle he was using because it was needed urgently. The source indicated  
25 that this was later used to carry away tons of coffee beans. A participant in this

1 operation, who has since left the movement, explained that two months were  
2 required to remove the enormous quantities of coffee. In the past, this province  
3 produced 60 per cent of the country's robusta coffee. The localities of Bumba, Lisala,  
4 Bosonzo, Binga and Mindembo for a year did not have coffee stocks to export because  
5 of these seizures. The Société congolaise du café, the largest owner of coffee stocks  
6 in the area, went bankrupt. The mass-scale looting reached such levels that, in one  
7 instance, Mr Bemba seized 200 tons of coffee beans from the SCIBE company, which  
8 was owned by his father Saolona Bemba. The matter remains unresolved in court."  
9 (Interpretation) I take it, Mr Witness, that you are unaware of any of these facts, is  
10 that correct?

11 A. I think we need to look at things carefully. I prefer to talk about things of  
12 which I am sure. And what I know is that the purchase of coffee, the export of coffee  
13 by CDI Bwamanda at this time encountered no problems, which does not mean that  
14 other people did not have problems. I would not like to speak on anybody else's  
15 behalf. It may be that other people, other institutions had unfortunate experiences,  
16 that's quite possible, but I speak of things of which I know.

17 Q. Thank you, Mr Witness. We will finish here. The president has been very  
18 patient with us.

19 I would like to look now at a document number 29, which is 1550, it's an interview  
20 which we're going to show from 0010. Hoping that we have no more technical  
21 difficulties.

22 Mr Witness, while this is being arranged, perhaps I could ask you a question which  
23 was linked to another video I wanted to show. Have you ever been to the ICC for  
24 work purposes? If this is confidential, then please don't say it. We're in open  
25 session. But I've read that somewhere.

1 A. Yes, I have been here, I think it was in about 2011. It was in the old building  
2 certainly.

3 Q. That has nothing to do with what we are talking about today. Was that part of  
4 the Bemba case?

5 A. No. I came as part of collaboration between Africa and European peace and  
6 justice committees. We had a meeting that lasted a week in The Hague and one day  
7 was devoted to a meeting with the ICC. We met the president of the Court. I don't  
8 know whether it's still the same president these days. It was a South Korean at the  
9 time.

10 (Playing of the audio excerpt)

11 THE INTERPRETER: (Interpretation) "Connect to our website. More and more  
12 voices are asking for a European intervention in Kivu in the east of the RDC. Two  
13 Catholic bishops have just been to Europe to deliver this message."

14 MR BADIBANGA: (Interpretation) Just to explain for the organisation, the  
15 interpreter cabins have a transcript. Do the interpreters want me to come back to the  
16 text afterwards or can they read it while it's going?

17 THE INTERPRETER: I would suggest that the Prosecutor reads the text and then it  
18 can be interpreted after the presentation.

19 PRESIDING JUDGE STEINER: Maître, I think it's quite difficult for the Chamber  
20 and the other participants to follow a video which is in French if we don't have the  
21 transcript, the translation. How do you intend that the Chamber and the Defence is  
22 able to understand the content of the video?

23 MR BADIBANGA: (Interpretation) I apologise. I knew what I was talking about,  
24 but they also have the -- we already have the text in the booth. So we can translate  
25 as the video is going so that you can follow the video.

1 PRESIDING JUDGE STEINER: Maybe if I could suggest then, if that's agreeable to  
2 the Defence, we could maybe start with the questioning by Maître Douzima. In the  
3 meantime the Prosecution could provide Defence and the Bench with the translation.

4 MR BADIBANGA: (Interpretation) As you wish, your Honour. I could  
5 communicate it, but perhaps that would be better to have the text available and  
6 provide them that way. So I will leave the floor to Maître Douzima.

7 MR HAYNES: Well, I simply observe that 15 minutes ago you told Mr Badibanga he  
8 had two. And I think his cross-examination should finish now without this  
9 videotape. He's exceeded his time limit by 30 per cent. I played by the rules. I  
10 think he should.

11 PRESIDING JUDGE STEINER: The Chamber was also very patient with Defence  
12 that also had some extra time. I'm giving the Prosecution a little bit more time  
13 exactly due to these technical problems that is taking ages to have a document  
14 displayed and the problem with this video started at the beginning of the questioning  
15 by the Prosecution.

16 So I'll give the Prosecution the opportunity to let us know the content of the video  
17 after the questioning by Maître Douzima and after the Prosecution provided the  
18 Bench and the Defence with a translation of the video.

19 Thank you, Maître Badibanga.

20 Maître Douzima, you have the floor.

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

22 QUESTIONED BY MS DOUZIMA LAWSON:

23 Q. Good morning, Mr Witness. I am Maître Marie-Edith Douzima Lawson and I  
24 am the Legal Representative of the Victims accepted into the procedure in which you  
25 are taking part, the case against Mr Jean-Pierre Bemba Gombo.

1 So I would like to put to you some questions that I have prepared and been  
2 authorised by the Chamber and also some questions which follow on from the replies  
3 that you have given to both counsel for the Defence, Mr Haynes and the Prosecution.  
4 I hope you follow what I am explaining.

5 Your Honour, I would like to point out that the French transcript stopped at page 21  
6 for a while, so we have missed a few pages. And further, it being a realtime  
7 transcript, there are some parts that are not fully comprehensible. So I apologise for  
8 some of the questions that I will be putting to the witness.

9 PRESIDING JUDGE STEINER: If you allow me, I would ask please, court usher, see  
10 what happened with the French transcript. It should be working. We are already  
11 on page 59.

12 MS DOUZIMA LAWSON: If I may, I know that it's working now. I just wish to  
13 point out that there was a point where it was not working properly. It's now  
14 working properly. I just wanted to say that there was for a certain period an  
15 interruption which would make it difficult to refer to certain parts of the transcript.

16 Q. Mr Witness, in your reply to one question asked by Mr Haynes whether you  
17 know Mr Bemba, you said no, but you had seen him, which I understand to mean  
18 that you don't know him personally; is that correct?

19 A. What I said is correct. I know Bemba father, so the father of Jean-Pierre. But  
20 Jean-Pierre himself, until he joined the rebellion and was appointed vice president, I  
21 have never met. But I knew his father. He was a man very well known in public  
22 life.

23 Q. A very well-known man. You heard him speak who, the father or Jean-Pierre?  
24 I said Jean-Pierre.

25 A. When I spoke of a man well known in public life, I was referring to his father.



1 Q. Now, if we talk about Jean-Pierre Bemba, did you ever hear him speak?

2 A. I met him when he was vice president responsible for economic matters. We  
3 met him for the first time when all the bishops of the province were there. He came  
4 as part of his work. That was the first time I've met him.

5 The second occasion was when he was flying in his aircraft to Équateur and I met him  
6 at the airport. During this time he was vice president. So the three or four times I  
7 met him were all when he was vice president in Kinshasa and once in Mbandaka  
8 when he came to a commemorative meeting for an archbishop's jubilee celebrations.  
9 But during the rebellion, I never met him.

10 Q. Thank you. If I understood you correctly, you lived in Kinshasa and two or  
11 three times a year you went to Équateur. You returned to Équateur in 2004 on being  
12 appointed to your present post?

13 A. I must clarify these things. I was always in contact with Équateur during the  
14 war. Even though the country was split, divided, I made a long journey via Douala  
15 to go to Équateur. But this was during my official residence in Kinshasa. In 2004 I  
16 was appointed as a bishop, and 6 March 2005 I was consecrated in a diocese in the  
17 south of Équateur, not in the northern part where Jean-Pierre was and where I used to  
18 go in my position as head of the Capuchins.

19 I was appointed bishop in a different territory where the MLC had never been, and  
20 that is where I am now as a bishop while I still continue my work in Kinshasa as  
21 president of the peace and justice committee.

22 Q. When you travelled to Équateur, did you go to the region under the control of  
23 the MLC?

24 A. Yes, because my activities and my Capuchin brothers lived primarily in the area  
25 under the control of the MLC.

1 Q. Were you there in 2002?

2 A. I was there every year since -- I went there every year at least twice from the  
3 time of my nomination to now. Yes, I was there in 2002.

4 Q. My question was were you there in 2002?

5 A. Yes, I was.

6 Q. You seem to be, according to what you have said, well familiar with the Central  
7 African Republic. You were on mission there. You know cities such as Bangui,  
8 Bouar, Mobayi, so you seem to be very familiar with this area. Do you know  
9 whether the soldiers of the MLC or the ALC were in the CAR between 2002 and 2003?

10 A. If this is linked to my knowledge of the CAR and my passage, I think things  
11 have to be said quite carefully. I said here at some point because of the bombs that  
12 fell on our noviciate, our training centre, I transferred our training centre to Bangui.  
13 So I had to go to Bangui to visit those involved there.

14 In this period I was aware of the climate in Bangui, and I heard that Bemba soldiers  
15 were in Bangui. But the atmosphere that I noted in Bangui was the sort of  
16 end-of-an-era atmosphere that we have known in the Congo twice where those in  
17 power are about to lose their power, they turn nasty, and it creates a very unpleasant  
18 atmosphere where everybody is concerned. So the atmosphere I found in Bangui  
19 was where I found there was a regime coming to its end with rebels that were trying  
20 to chase it out of power.

21 And I did hear that there was abuse committed in the area, there was violence  
22 committed, but whether it was done by MLC troops, we heard this a very long time  
23 afterwards. You know that the power -- there was President Patassé, who was  
24 losing. There was the rebellion I think with Bozizé. Both of them were trying to  
25 seize power. And as we know ourselves, that does lead to violence. But as to

1 whether it was the MLC troops or not, we heard this much later when we started to  
2 organise elections in Congo after Sun City, after Sun City, when we started talking  
3 about the organisation of elections and so on.

4 Then we heard, first of all, rumours saying that there is evidence against Jean-Pierre  
5 Bemba in Bangui, and that was how we were made aware of matters. But the social  
6 atmosphere of tension, of nervousness complaining in Bangui, that I did hear myself.

7 Q. Thank you, Mr Witness. Now, given that every year you went to Équateur, the  
8 region under the control of the MLC, did you hear people speak about a trial in  
9 Gbadolite to try MLC troops who had committed crimes in Bangui at the time?

10 A. Yes, yes. I even think that some of our colleagues, because there was a mission  
11 in Gbadolite, Mobayi-Mbongo. There is Mobayi-Mbongo, and on the other side  
12 there is Mobayi-Banga. In Mobayi-Mbongo, the mission there was with my  
13 Capuchin friar colleagues, and the event was well-known in the region controlled by  
14 the MLC, because as I say here we were used to soldiers who -- rabble soldiers who  
15 thought they were beyond the law. When they had a weapon, they could threaten  
16 you. They would make me sit on the ground at roadblocks. Now, it was the first  
17 time that we heard that in Gbadolite that soldiers who had committed crimes against  
18 the population had been tried and sanctioned. That did a lot of good for the people.

19 Q. Thank you very much. Apart from the fact that the MLC authorised you to  
20 carry out a certain number of activities in the region, did the MLC also carry out  
21 actions to re-establish peace and to bring about stability to the region?

22 A. Well, I don't know if I've understood the question well. But I know that an  
23 effort was made by the MLC for the part that was under its control at least in the  
24 place where we were living.

25 Now, all the causes of tensions that there were, because the insecurity that was there

1 from Mobutu, Kabila, who was about to flee, the insecurity of the population was the  
2 main cause of the problem. So the fact that the MLC succeeded in pacifying the  
3 region, well, I think that was an effort that the population welcome. But whether the  
4 MLC made an effort with regards to other groups, I don't know, outside its region.  
5 Is that the question you're asking me?

6 Q. I was speaking about Équateur region.

7 A. Well, the part that was under its control, that between the parts that were under  
8 its control and the other parts that were in government hands, there wasn't contact.  
9 Otherwise, well, later the only contact was MONUC, when MONUC arrived. And  
10 at a certain time you could even go from one zone to another thanks to MONUC  
11 planes. That was the only link between the two. That was MONUC.

12 Q. Do you know why the MLC made these efforts?

13 A. The efforts?

14 Q. In fact, you say that the MLC carried out actions to re-establish peace and to  
15 bring stability to the region. And my question is: Do you know why? What was  
16 the objective? Why did the MLC do it?

17 A. Well, I couldn't say that because I wasn't in the MLC movement. But I could  
18 guess that we were in a period where there was a fight for power, and I think that the  
19 MLC wanted to accede to power. And in this party I think the MLC worked such  
20 that they were appreciated, and that's what I would imagine.

21 Q. Thank you very much.

22 Now, on page 9, line 28, and page 10, lines 1 to 4, you say that you had taught moral  
23 theology at the Catholic University of Kinshasa. Could you tell us what moral  
24 theology consists of, a brief description?

25 A. It's ethics, the definition is ethics. When you speak about moral, you have

1 mores in Latin, your values. And with regards to the Catholic church, there is a  
2 whole branch of theology that we call moral theology.  
3 Now, moral theology, this is based primarily on man, man created in the image and  
4 resemblance of God. God wanted to make that person -- give that person dignity,  
5 and that person should be respected, and that person, whether man or woman, must  
6 enjoy dignity. And moral theology promotes dignity for that person as God  
7 intended. So that's to sum up as it were. Otherwise I'd give you a whole course of  
8 moral theology here.

9 Q. I am completely satisfied, Monseigneur.

10 Now, in answering a question of the Prosecutor a moment ago, this is on page 26,  
11 lines 10 to 17, you said, "I believe firmly in the International Criminal Court. I really  
12 believe in all my heart that the ICC can do an enormous amount to ensure there is  
13 more justice throughout the world. It's the ICC that can dissuade future dictators."  
14 That's what you indeed said?

15 A. Yes.

16 Q. You also visited the ICC and you met the previous president of the International  
17 Criminal Court. Do you know the role of the International Criminal Court?

18 A. Well, a bit according to what was explained on that day, because we came  
19 because of certain doubts as you know. There are a lot of doubts and things that are  
20 said with regards to the ICC in Africa currently, and the heads of state in Africa today  
21 are acting as a club of presidents like a union to enjoy impunity, and today their  
22 enemy is the ICC, the last one to make a declaration, a statement, was Museveni. For  
23 him the ICC is worth nothing. But we say that the ICC is perhaps our chance,  
24 particularly in Africa, to ensure that justice is done.

25 And in the country, you can't count on justice in those countries. Now, the ICC is a

1 chance and our fight wherever we go is to ensure that the ICC can continue to  
2 develop.

3 Unfortunately there are a lot of states that are currently speaking against the ICC and  
4 that hurts us a lot. We think that the ICC can be an international tool to promote  
5 justice, equality and dignity for human beings.

6 Q. To finish, Witness, on page 13, lines 1 to 10, you stated that "Mobutu's soldiers  
7 pillaged and raped, this was a very traumatising time for us." Could you explain the  
8 traumatism that this pillaging and rape gave rise to you and the others?

9 A. When we speak about these things, it's one thing, but when you experience, it's  
10 something different. What we experienced there was that that's to say one day the  
11 soldiers, they came and they take everything that you have. They destroy  
12 everything that you have and they destroyed the houses of the population, they were  
13 pillaged. There were churches, not only were they pillaged, but they were -- profane  
14 actions were taken against them, they were desecrated. And for us, these were these  
15 places of worship and we have seen people take tools of the priests and people who  
16 have taken that, they drank with the cup in the town. Can you imagine for us, we  
17 have faith in Christ and it's more than shocking. And if in addition to that they rape  
18 your sister, your mother, speaking humanly, it's unbearable, and we have  
19 experienced such things.

20 Unfortunately in the Congo, it's not finished. It continues.

21 Q. It's unbearable, you say. And until now?

22 A. Well, there are still cases which are continuing in the east of the country, cases  
23 of rape, massacres in Beni Butembo, it's unbearable. And what we're concerned  
24 about is the unanimous silence of the international community. It's revolting.

25 Q. In fact, my question, pillaging and rape which took place at the time, does the

1 population continue to suffer from it? Does it still have an impact? Is there still an  
2 impact that continues to this date?

3 A. Well, I think at two levels you have the visible level. I think that a lot of people  
4 have tried to rebuild their lives, but I suppose that internally mentally, then the  
5 wounds are still there, because there are certain things that can never be forgotten,  
6 and rape is one of them.

7 Q. Thank you, Monseigneur, for having answered all my questions. Thank you.  
8 I have finished.

9 MS DOUZIMA LAWSON: Thank you very much, your Honour.

10 PRESIDING JUDGE STEINER: Thank you, Maître Douzima.

11 Maître Badibanga, 2 minutes.

12 MR BADIBANGA: (Interpretation) Just for practical reasons, your Honour, we  
13 have the text in French, we'll just ask to have an English version thereof, but that's  
14 going to take a bit longer, because the booth already have the -- I propose that there is  
15 a pause made and that they can read the text. They've got the transcript. So I will  
16 remind you of the document, that's document 29 of the Prosecution list, which has the  
17 reference CAR-OTP-0094-1550.

18 Now, this is a public document and it's an interview given by the witness.

19 PRESIDING JUDGE STEINER: Yes, Mr Haynes.

20 MR HAYNES: We still don't have it. The whole purpose of adjourning this section  
21 of cross-examination was for us to be provided with the English translation.

22 PRESIDING JUDGE STEINER: What Maître Badibanga is proposing is that we  
23 listen to a part of the video, stop. There will be translation. Then another part,  
24 there will be translation. Why is --

25 MR HAYNES: Anything to help.

1 PRESIDING JUDGE STEINER: Is just to gain some time while the copies of the  
2 transcripts are coming, are on their way.

3 (Playing of the audio excerpt)

4 THE INTERPRETER: (Interpretation of the video excerpt) "Connect to RFI's  
5 website. More voices are being raised calling for European intervention in Kivu in  
6 the east of the Democratic Republic of the Congo. Two Catholic bishops who have  
7 travelled through the United States and Europe to deliver that message, one of them  
8 is Monseigneur Fridolin Ambongo of the diocese, Bokungu-Ikela of Équateur  
9 province and president of the justice and peace commission of the Episcopal  
10 conference of the RDC.

11 He has been invited to have this discussion with Christophe Boisbouvier."

12 Once again from the interpreter: "Voices have been raised to call for European  
13 intervention in the Kivu in the east of the Democratic Republic of the Congo. Two  
14 Catholic bishops have travelled through the United States and Europe to deliver that  
15 message. One of them is Monseigneur Fridolin Ambongo of the Bokungu-Ikela  
16 diocese of the Équateur province and president of the justice and peace commission of  
17 the conference of the Episcopal conference of the DRC and invited by Christophe  
18 Boisbouvier."

19 PRESIDING JUDGE STEINER: It has been just repeated, the translation was almost  
20 simultaneous, so I thank very much for the interpreters. We can --

21 (Viewing of the video excerpt)

22 THE INTERPRETER: (Interpretation of the video excerpt) "Monseigneur Fridolin  
23 Ambongo, good morning.

24 Good morning.

25 Question: Is violence continuing in the east of the country?



1 Answer: Based on the information which we have received, there has been no  
2 change in the humanitarian situation. There is still the problem of displaced persons.  
3 250,000 people have been displaced and find themselves stuck in camps.

4 Question: In northern Kivu?

5 Answer: In northern Kivu, absolutely. There are rapes, there are mass rapes used  
6 as a weapon of war to humiliate husbands, to humiliate ethnic groups who are there.  
7 Why? Because -- why are they stooping to such odious practices? Well, to  
8 humiliate our daughters, our mothers and to make the ethnic groups who live there  
9 look ridiculous.

10 Question: And who are carrying out these disgusting attacks?

11 Answer: This practice is known to be used by the rebels but is also used by certain  
12 soldiers of the Congolese army. Nonetheless it is important that the perpetrators of  
13 these abuses be punished. We have the impression that impunity reigns and that  
14 nowhere is there a prosecution of the perpetrators and that is a very shocking thing."  
15 The Interpreter states that this interpretation is likely not complete. It is up until  
16 second 33. The interpreter can continue reading from the text if she's told at what  
17 point the video stopped.

18 MR BADIBANGA: (Interpretation) Yes, our objective was in fact to take this video  
19 block by block. So we've heard one block there. We should now move on to the  
20 next block.

21 So the next extract starts at timestamp 33 and the interpreters have the text.

22 (Viewing of the video extract)

23 THE INTERPRETER: (Interpretation of the video extract)

24 "Question: Well, there is the east but there is also the rest of Congo. Human Rights  
25 Watch affirms that over the last two years 500 opponents of the regime have been

1 killed across the country. Have you observed the same?

2 Answer: Yes, because I'm coming from Kinshasa. I'm also from the Équateur  
3 region. We hear quite a lot about what's going on. In Kinshasa recently there have  
4 been arrests linked to the finding of arms caches. Arms have been found, I don't  
5 know where, but that has created unease in certain communities and I believe that we  
6 should seek to unite the people because -- or rather than target others in a deliberative  
7 fashion and to throw them in prison without trial. That simply will create  
8 discontent.

9 Question: Human Rights Watch affirms that the main victims of this crackdown are  
10 people from the Équateur region, in other words, those who are thought to support  
11 Bundu Dia Kongo.

12 Answer: Yes, that's true. The problem of Bundu Dia Kongo, I think that there has  
13 been a lot of commotion raised recently about him. There was a police raid. It was  
14 said that it was the police, but there were also army soldiers involved. They have  
15 arrested a lot of people. There has also been a MONUC report on this matter. As of  
16 course the people of the Équateur, and it's true that I myself am from Équateur, I  
17 know many people from Équateur who complain about the climate of fury against  
18 them simply because they're from Équateur and that -- and because they may be close  
19 to Jean-Pierre Bemba. This climate, it's not good if one wants to create a united  
20 nation around a single ideal. We cannot continue like that. Hounding people from  
21 a certain region purely on the pretext that they're from that region."

22 The interpreter has interpreted until moment 503.

23 MR BADIBANGA: (Overlapping speakers)

24 PRESIDING JUDGE STEINER: Mr Badibanga, could you please wait for the  
25 transcript to complete.

1 (Viewing of video excerpt)

2 THE INTERPRETER: Returning to the video.

3 (Interpretation of video excerpt)

4 "Question: According to the international organisation, there are currently  
5 approximately 1,000 people detained in Congolese prisons for political reasons.

6 Answer: These figures wouldn't surprise me at all. After all the grievances I have  
7 heard from some of our people in Kinshasa and Équateur, having heard what they  
8 have to say, that wouldn't surprise me at all."

9 End of transcript.

10 MR BADIBANGA: (Interpretation) Apologies, your Honour. I was following in  
11 English.

12 Q. Witness, so that it's clear for the record, do you remember this interview and  
13 your statement?

14 A. Yes.

15 Q. Now, Witness, you say that there were a lot of rapes, mass rape used as a  
16 weapon of war, and you denounce the situation in the Kivus. Now, are you aware  
17 that in this case a judgment was rendered saying that mass rape took place in the  
18 Central African Republic?

19 A. Yes.

20 Q. And you also denounce this situation in the Central African Republic. Do you  
21 consider that the victims merit the same indignation as those in Nord Kivu?

22 A. Of course they do. I work -- we work in collaboration with justice and peace of  
23 the Central African Republic, that is to say that our fight is human being, the human  
24 being and the dignity of a human and their respectability. Whether in Congo,  
25 Central African Republic, whether it's anywhere. Our combat is man created in the

1 image and resemblance of God.

2 Now if such things happen in the Central African Republic, well, I'm not aware of  
3 what's happening in the Central African Republic, but if things like that happened in  
4 the Central Republic -- Central African Republic, obviously we condemn them and  
5 we do so with the same determination that we do in the Congo.

6 Q. Thank you, Witness.

7 MR BADIBANGA: Thank you, your Honour.

8 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga.

9 Now I'll give the floor for a second time for Mr Haynes.

10 MR HAYNES: Thank you, your Honour.

11 QUESTIONED BY MR HAYNES:

12 Q. I've just got a handful of questions for you arising from what you've been asked.  
13 You say you knew Mr Bemba's father very well. Did he ever mention to you that his  
14 own son had stolen 200 tons of coffee from him?

15 A. Well, frankly, I can't say it in that way. What I know is that when Jean-Pierre  
16 Bemba started his rebellion in Orientale province, his father was not in agreement  
17 with him because his father was a businessman. He was a major businessman.  
18 Now, when he heard that his son had started rebellion, he feared for his own security  
19 in Kinshasa. But the power of Kabila, and that's the father, not Joseph Kabila, Désiré,  
20 he played a card in order to be distanced from his son, he appointed papa Jeannot  
21 minister of economy. And by appointing him minister of the economy in his  
22 government, that created tension between the father and son because the father asked  
23 the son to leave the rebellion, but the son did not want to. And I was aware of this  
24 family conflict between the father and son.  
25 With regards to the conflict for coffee, I can't say anything about that.

1 Q. I take it therefore you'd never heard that story before?

2 A. Conflict about coffee? I never heard that. But what I did hear is about the  
3 opposition of the father to the rebel movement of Jean-Pierre. He was against that.

4 Q. Okay. A number of reports were put to you. Did anybody in 2010 from the  
5 International Crisis Group come and ask you any questions about what had been  
6 going on in Équateur in 2002 or 2003?

7 A. In 2010?

8 Q. Yes, you probably didn't notice that was the date of the report that was put to  
9 you, 16 December 2010. Did anybody in 2010 come and ask you how things had  
10 been in Équateur during the war?

11 A. I don't remember, unless I'm mistaken, but I don't remember.

12 Q. Have Amnesty International ever asked you how things were during the war?

13 A. I couldn't say that precisely. I just know that within the framework of my  
14 work as president of the justice and peace committee, I'm in relation with a lot of  
15 people. I speak with a lot of people, everybody who fights for the same cause so that  
16 there may be more law, justice, dignity, democracy. I meet a lot of people within  
17 that framework, but as regard to a specific request from Amnesty International, I  
18 don't remember that. I don't know.

19 Q. And were you aware that there was an international panel of experts reporting  
20 on precious materials in the Great Lakes region in 2001?

21 A. In 2001, I couldn't know that because I wasn't in the position which I have today.  
22 Today I have much more information with regards to what happens in the Congo  
23 with regards to all these issues because I'm at the head of the justice and peace  
24 committee and natural resources. But in 2001, I was dealing with our businesses in  
25 the north and also with my congregation, so I had no information on that subject.

1 Q. Two more things. Mr Badibanga seemed to be criticising you for appealing to  
2 various governments in Europe to put pressure on President Kabila to obey his  
3 constitutional responsibility to step down from office in November of this year.  
4 Could you tell us briefly what the attitude was of the British and the French and the  
5 Belgians and the Germans and the Irish to the question of President Kabila staying on  
6 after November 2016?

7 A. Well, I think there was international unanimity with regards to this issue. It  
8 wasn't a case of opposition to the person of Kabila. The question had nothing to do  
9 with Kabila as a person, whether you like him or not. That wasn't the issue. It  
10 wasn't even an issue of an evaluation of the record of his government. Did he work  
11 well? Did he not work well? That wasn't the question either.  
12 Here the question is about the fundamental law of the country, the constitution of  
13 Congo, which says that a man who becomes president can be re-elected once, i.e. two  
14 terms of office, and at the end of two terms he must leave. That is the law imposed  
15 on everybody and President Kabila is the guarantor of that law. So in respect of this  
16 fundamental law we said, well, he has had two terms and at the end of his two terms  
17 he has to go, as in all other countries.  
18 With regards to this question, there was unanimity between us and the international  
19 community in all major capitals that we went to.

20 Q. Thank you. And just one last thing. Would you give the Chamber your  
21 overall impression of the way the MLC behaved towards the population of Équateur?

22 A. In an overall way, well, it's a bit of a summary what I've already said before.  
23 The MLC in the Équateur region where we worked, for us it was the movement  
24 which made it possible for the population to feel at peace finally, because the MLC  
25 came to re-establish everything that had been destroyed at the time and put an end to

1 the climate of insecurity that reigned at the time. So if I can sum up in a few words,  
2 for us, the positive point of the MLC was, well, there were four points. The first, the  
3 MLC made it possible for the population to find security again. That wasn't the case  
4 before. With soldiers who didn't pillage from the population as before, there was a  
5 feeling of security.

6 Secondly, it was with regards to health, as I said, with hospitals starting to work again,  
7 with supply of medicine via Bangui, the population started to go to the hospital, get  
8 medicine, they didn't have that before.

9 Thirdly, with regard to education, as the schools were no longer working, the MLC in  
10 dialogue with MONUC made it possible to relaunch the schools and to obtain from  
11 the government that they send the exams and children could do them and not lose the  
12 scholastic year.

13 And fourthly, this was with regards to development, thanks to the facility that we had  
14 in order to export coffee to Max Havelaar, there was an added value in monetary  
15 terms to the region which made it possible for people to still keep buying little things  
16 that they needed in order to survive.

17 MR HAYNES: Monseigneur, thank you very much for your patience and your time  
18 here this morning.

19 PRESIDING JUDGE STEINER: Mr Haynes, I have a follow-up question. And of  
20 course, you will be given the opportunity to speak last.

21 It is just a follow-up on this question that it was quite clear that Defence, and we are  
22 on page 76, line 23, Defence asked you to give overall impression on the way the MLC  
23 behaved towards the population of Équateur.

24 My question is the following, Mr Witness: In the same period of the conflict in  
25 Central African Republic, the Chamber heard evidence that there was a conflict in

1 DRC as well in which MLC troops participated. Do you have any information about  
2 how the MLC troops behaved in DRC towards the population in DRC?

3 THE WITNESS: (Interpretation) Well, I heard something. Outside the area under  
4 our control, I'll put that aside, but what I heard is that when there was reunification,  
5 there were rumours, I heard that, there were rumours from bishop of Beni Butembo,  
6 Monseigneur Melchisédec Sikuli, during the period of the conflict as the country was  
7 divided, we heard and sometimes make statements on the radio, particularly Radio  
8 France International, and once he stated that MLC troops, that they had evidence that  
9 they were eating pygmies. That was what we heard for the first time, that there  
10 were abuses being committed by MLC soldiers in the eastern region and  
11 they -- allegedly they ate pygmies. Obviously Monseigneur Sikuli, he's very close to  
12 us because, well, I became a bishop. Now, at the time I wasn't a bishop. We had  
13 the time to go back to some of this information and I think at least from what we  
14 heard at the time that there was probably abuses on the eastern side. We heard that.  
15 As regards the details, I don't know, because there was lots of different armies at the  
16 time on the eastern side. There was the conflict between the Lendu and the --

17 PRESIDING JUDGE STEINER: The Hema.

18 THE WITNESS: (Interpretation) The Hema, the Hema in Ituri and that caused a lot  
19 of death. There was the Ugandan army. There was Rwandan army. There was  
20 the RCD wing. There were so many armies, and as there was communication you  
21 got information in small blocks which came to us. But what I heard myself from  
22 Monseigneur Sikuli was that the soldiers of the MLC had eaten pygmies. That  
23 information was denied thereafter. But other details with regards to abuses that was  
24 stated, well, it was difficult to have that, but it's sure that there were problems in that  
25 part of Congo.



1 PRESIDING JUDGE STEINER: If I understood what you said, apart of these  
2 accusation of cannibalism, you never heard about other kind of crimes committed by  
3 MLC soldiers in during the conflict in DRC, the only episode you heard about was in  
4 relation to this cannibalism denounced by the radio; is that correct?

5 THE WITNESS: (Interpretation) Well that was said publicly on the radio RFI, but  
6 afterwards we went back to that information, but with regards to that, I think it was  
7 the most impressive, if you like, because eating -- well, you have to have a strong  
8 heart, but I know that there were a lot of conflicts between the armed groups in the  
9 east and the MLC.

10 But the details as regards to the conflict, who did what, well, it was difficult to know  
11 because there were several armies. And even groups in between them, like the  
12 Hema or the Lendu, and they were manipulated by warlords.

13 As regards details, for us, it was difficult to have that, but we felt that there was  
14 tension there, that abuses were being committed there. So the Rwandans who were  
15 fighting against the Ugandans in Kisangani. So we heard about that, but from a far.  
16 We didn't have details.

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

18 Mr Haynes, any follow-up question?

19 MR HAYNES:

20 Q. How long had the Hema and the Lendu been fighting against one another in  
21 Ituri?

22 A. Well, I can't remember. I no longer know because we were in Kinshasa when  
23 that was happening at the time. I don't know if it finished with the arrival of the  
24 MLC. I think so. But I wouldn't have any precise details on that, I just know that  
25 when the MLC arrived there was already a period of calm between the Hutus and the

1 Lendus, but I don't know really in that regard how much time it last for, that's not  
2 something I can tell you because I don't know when it started and when it finished.

3 Q. Do you know what role Jean-Pierre Bemba played in the brokering of peace  
4 between the Hema and the Lendu?

5 A. On the basis of the information which we received, but of course all of this  
6 should be checked because we were receiving information from afar, at least at the  
7 time of the conflict, I was the president of the religious superiors of the religious  
8 communities of the Congo. That was called the assembly of superior majors. So all  
9 of the provincials I was the president for all of the Congo.

10 Now, Ituri, where the Lendu and the Hema are, there we had father Carmes, Carmes  
11 Déchaux. He was the provincial in that area. I remember it was Father Désiré  
12 Ounem (phon). And he once attended the meeting of the superiors in Kinshasa.  
13 He travelled there through Nairobi, et cetera. And in Kinshasa, he said to us,  
14 bearing in mind that this conflict between the Hema and the Lendu caused  
15 tremendous devastation, he said that since the MLC had arrived, there had been a  
16 real push for or a push to calm things down. So since the MLC had arrived, the  
17 situation had calmed down somewhat and that things were moving towards a  
18 resolution of that conflict. I remember what he said at that point in time.  
19 But when it comes to exactly what the MLC did or said, I can't say. But in general  
20 terms, the arrival of the MLC did bring about a great calming of circumstances  
21 according to the source I've just quoted.

22 MR HAYNES: Thank you.

23 PRESIDING JUDGE STEINER: Monseigneur Ambongo, with that you concluded  
24 your testimony. We are very, very grateful for you for having travelled to The  
25 Hague to give your assistance to us, and you leave this Court with our thanks for

1 your important contribution. Before you leave, Mr Witness, I would like to ask  
2 whether you have anything else you would like to say before the Chamber?

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

4 My work at the justice and peace commission is to be an advocate, and I'd like to take  
5 this advantage to act as an advocate.

6 What I want to say is that the ICC is doing work which we support, support fully and  
7 welcome with open arms. We are very grateful for the work that you are doing here  
8 and doing around the world.

9 We also have some knowledge, of course you have more, but we have some  
10 knowledge of the resistance which the ICC is meeting in some places in the world,  
11 and notably in Africa, and also the difficulties which you are encountering in  
12 applying principles which should be applied.

13 I see the ICC being unable to do its work vis-à-vis, for instance, the president of  
14 Sudan. But to bring things back to the case of Jean-Pierre, what I have to say is the  
15 following. The detail of what happened in the Central African Republic is unknown  
16 to me. I don't know. And I cannot make statements about the truth or otherwise of  
17 what happened in the Central African Republic.

18 What I can do is, however, express my amazement regarding what we experienced in  
19 the Congo and what the MLC did to us during that period and, when one crosses the  
20 Ubangi River, what we hear happened on the other side. This is a source of  
21 astonishment for us.

22 How can it be that the same person, person who has aided and assisted us in the  
23 Congo in very troubled times and has brought order to our affairs, how can the same  
24 person, while doing that in our country, transform himself into a monster on the other  
25 side?

1 This is something which is difficult for us to grasp. That's the first thing.  
2 Now the second thing is this: When we attended the ICC meeting I believe that  
3 there was a Nigerian bishop who put a question to the president, and he touched  
4 upon something which was problematic for us in our work and in supporting the ICC.  
5 When Jean-Pierre sent his troops to the Central African Republic, the country wasn't  
6 empty; there was a president, there was a defence minister and a commander in-chief  
7 of the army.  
8 Now, based on the information available to us, the only one who is being prosecuted  
9 in relation to these matters is Jean-Pierre.  
10 President Patassé died, died a natural death. May his soul rest in peace. He's  
11 already -- he's passed to the other side. We don't speak of the dead. We respect the  
12 dead very much in our society.  
13 As regards the defence minister at the time, I don't recall who it was, has he been  
14 called to appear before the Court? We don't know anything of that.  
15 I don't recall who was leading the army or leading the rebellion. Bozizé, he became  
16 president, and then he left and he now lives peacefully in Gabon or I don't recall  
17 which African country. But that is the situation which for those of us who defend  
18 human rights and defend justice find difficult. This is a source of discomfort for us.  
19 If the crimes that are held or for which Jean-Pierre is considered to be responsible are  
20 indeed of his responsibility, then the question arises as to when will the others  
21 responsible be held liable for what they have done?  
22 When those aspects are not taken into account, then this causes us great difficulties as  
23 defenders of human rights and justice.  
24 Turning to the Democratic Republic of the Congo, that's one thing, we welcome what  
25 has been done vis-à-vis the Central African Republic, but the same has not been done

1 for the Democratic Republic of the Congo. People have sent people to loot and to  
2 massacre in the Democratic Republic of the Congo. We know who these people are.  
3 They're located in neighbouring countries and they live peacefully.

4 Part of the criticism levied vis-à-vis the ICC is that those who are in power are not  
5 prosecuted, those who are in power seem to be safe. However, I would congratulate  
6 the ICC on tackling he who is in power in Sudan. Unfortunately, the ICC doesn't  
7 have an army so has not been able to see through its work.

8 Another difficulty faced by us, those who defend justice in Africa is the following:

9 When the ICC does not prosecute those who are in power, it encourages those who  
10 are in power, such as Kabila not to leave power because they know that if they step  
11 down from their office they may be prosecuted by the ICC. And this causes perverse  
12 effects.

13 We believe that what happened in the Central African Republic should lead not only  
14 to the Prosecution of Jean-Pierre, if, if the facts of the case are proven, of course, there  
15 is not only one person responsible, there are many others.

16 And similarly, all those who have mistreated the people of the Democratic Republic  
17 of the Congo should also beholden to court tomorrow.

18 Your Honours, I would like to thank you for the time that you have offered me. It's  
19 been a tremendous honour for me to be here, to appear before you in this courtroom,  
20 and to express to you my beliefs, my most cherished, most closely held beliefs.

21 Thank you very much.

22 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness, again, on behalf  
23 of the Chamber of the International Criminal Court, for taking your time and coming  
24 to testify before this Chamber.

25 We are going to suspend the hearing for lunch break and we'll be back at 3 o'clock in

1 the afternoon to start with Prosecution witness -- expert witness. Thank you very  
2 much, Mr Witness.

3 (The witness is excused)

4 PRESIDING JUDGE STEINER: The hearing is suspended.

5 THE COURT USHER: All rise.

6 (Recess taken at 1.24 p.m.)

7 (Upon resuming in open session at 3.02 p.m.)

8 THE COURT USHER: All rise.

9 Please be seated.

10 PRESIDING JUDGE STEINER: Good afternoon. I welcome again Prosecution team,  
11 the Legal Representative of Victims, the Defence team, Mr Jean-Pierre Bemba Gombo.

12 And I would like to welcome Dr Daryn Reicherter. Correct me, probably my  
13 pronunciation is not that close.

14 WITNESS: CAR-OTP-PPPP-0925

15 THE WITNESS: Very close, Reicherter.

16 PRESIDING JUDGE STEINER: Reicherter. Thank you very much. Doctor, you  
17 were given the number Witness P-925, and you are going to testify before this  
18 Chamber. And first of all we would like to thank you for taking your time. I know  
19 it was a long trip and full of disturbances, so we thank you very, very much for your  
20 availability to be present before this Court this afternoon.

21 THE WITNESS: My pleasure.

22 PRESIDING JUDGE STEINER: Mr Witness, in front of you probably you have a  
23 card containing the solemn undertaking. Could you please read out the words on  
24 the card.

25 THE WITNESS: Yes. I solemnly declare that I will speak the truth, the whole truth

1 and nothing but the truth.

2 PRESIDING JUDGE STEINER: Thank you very much.

3 Doctor, you have provided the Court with a report prepared in April 2016 by the

4 Human Rights in Trauma Mental Health Laboratory from the Department of

5 Psychiatry and Behavioural Sciences of the Stanford University School Of Medicine.

6 To the best of your knowledge, are the contents of that report a true reflection of your

7 views impartially stated?

8 THE WITNESS: Yes.

9 PRESIDING JUDGE STEINER: Doctor, although you'll be testifying in open session

10 and with your identity known to the public, there are victims, witnesses and persons

11 connected to this case whose identities are protected, not publicly known. I would

12 therefore ask you not to mention names of persons who may be considered

13 vulnerable in the context of these proceedings.

14 If it is necessary, you just let us know and we can turn into closed session, in which

15 the public cannot hear what is discussed in the courtroom and then you feel free to

16 mention names if you deem it necessary.

17 THE WITNESS: Okay.

18 PRESIDING JUDGE STEINER: You will be questioned first by the Prosecution, then

19 by the Legal Representatives of Victims authorised to participate in the proceedings,

20 and lastly by Defence. In case the Prosecution has additional questions to pose to

21 you after that, the Defence as always will have the right to question once more

22 because Defence has always the last word.

23 Is that clear to you, Doctor?

24 THE WITNESS: Yes. One thing, the reports that we reviewed in this, in our report

25 are named, are those names protected?

- 1 PRESIDING JUDGE STEINER: No.
- 2 THE WITNESS: Okay.
- 3 PRESIDING JUDGE STEINER: Sorry, the names of the persons that you refer to?
- 4 THE WITNESS: Exactly.
- 5 PRESIDING JUDGE STEINER: Yes, those names are protected.
- 6 THE WITNESS: Okay. Should I call them then by --
- 7 PRESIDING JUDGE STEINER: By their numbers.
- 8 THE WITNESS: Okay.
- 9 PRESIDING JUDGE STEINER: You probably received their numbers as well.
- 10 THE WITNESS: I did, but I don't know them in front of me. I have the New York  
11 report and also the Central African Republic report.
- 12 MS BALA-GAYE: Madam President, if I may provide some clarification.
- 13 PRESIDING JUDGE STEINER: Please.
- 14 MS BALA-GAYE: The two reports that Dr Reicherter is referring to are experts who  
15 testified --
- 16 THE WITNESS: Yes.
- 17 MS BALA-GAYE: -- in this case and therefore they are open, it's public information  
18 that he can refer to.
- 19 PRESIDING JUDGE STEINER: Thank you, Madam Bala-Gaye.
- 20 In any case, Mr Witness, whenever you have any doubts, you just let me know, and  
21 let's play on the safest side.
- 22 THE WITNESS: Yes.
- 23 PRESIDING JUDGE STEINER: We go into closed session and then we clarify on a  
24 case-by-case basis whether the information can be given in open session.
- 25 THE WITNESS: Yes, okay.



1 PRESIDING JUDGE STEINER: For your information as well, the Prosecution and  
2 the Defence each have been granted one hour in total to question you, and the Legal  
3 Representative of Victims 30 minutes. That means that the entirety of your  
4 testimony should not last more than two and a half hours. That means that it will  
5 not be possible to conclude, probably will not be possible to conclude today, but  
6 rather tomorrow morning.

7 THE WITNESS: Okay.

8 PRESIDING JUDGE STEINER: Before I give the floor to the Prosecution, Doctor,  
9 there are some important ground rules that must be observed during the questioning.  
10 Because here in this courtroom we speak different languages, we have some parties  
11 and participants who are francophones, there is interpretation so we can understand  
12 each other, but because of the interpretation it's very important that you speak slower  
13 than normal. And also what we call the 5 seconds golden rule, meaning after a  
14 question is put to you, that you wait 5 seconds before you start giving your answer in  
15 order to allow the interpreters to conclude the translation of the question.

16 THE WITNESS: Okay.

17 PRESIDING JUDGE STEINER: I know that it seems unnatural sometimes and it's  
18 possible that you start speeding up. In that case I will have to interrupt you. Please  
19 don't feel offended. And that should not discourage you from talking. It's just for  
20 practical purposes.

21 Before we start, is there any question that you would like to put to the Chamber,  
22 Mr Witness?

23 THE WITNESS: No. I think everything is clear. Thank you.

24 PRESIDING JUDGE STEINER: Thank you very much.

25 And I then give the floor to Maître Badibanga.

1 MR BADIBANGA: (Interpretation) Thank you, your Honour. My colleague

2 Madam Horejah Bala-Gaye will be conducting the case for the Prosecution.

3 PRESIDING JUDGE STEINER: Madam Bala-Gaye, you have the floor.

4 MS BALA-GAYE: Thank you very much, Madam President. Good afternoon, your  
5 Honours.

6 QUESTIONED BY MS BALA-GAYE:

7 Q. Good afternoon, Dr Reicherter.

8 A. Good afternoon.

9 Q. As you know, my name is Horejah Bala-Gaye and I will be asking you questions  
10 today on behalf of the Office of the Prosecutor. If at any point my questions are  
11 unclear or you would like me to repeat, please do not hesitate to do so.

12 So if I can just start with a few identifying features. Can you state your full name for  
13 the record.

14 A. My name is Dr Daryn Scott Reicherter.

15 Q. In which city and country were you born?

16 A. I was born in Bellflower, California, United States.

17 Q. And if I can just remind you of the 5-second rule, just to wait for a few seconds  
18 after I ask a question.

19 Do you have any reservations about providing your date of birth in public session?

20 A. No.

21 Q. Please go ahead.

22 A. I was born on October the 9th, 1971.

23 Q. You provided the Office of the Prosecutor with a copy of your curriculum vitae,  
24 your CV; is that correct?

25 A. Yes.

1 MS BALA-GAYE: If I could just ask the court officer to display document number 4  
2 on the Prosecution's list. It is CAR-OTP-0094-0541.

3 THE COURT OFFICER: The document is displayed on the evidence 1 channel.

4 MS BALA-GAYE: Thank you very much.

5 Q. Dr Reicherter, do you see on the screen in front of you a copy of the CV?

6 A. I do.

7 Q. Now according to pages 0541 and 0543, you are a psychiatrist working as a  
8 clinical associate professor at Stanford University, and you are the director of the  
9 programme for Human Rights in Trauma Mental Health; is that correct?

10 A. Yes.

11 Q. It also states at page 0541 that your expertise in cross-cultural trauma mental  
12 health, both locally and internationally, has involved more than a thousand  
13 psychiatric evaluations for victims of violence, rape and torture. Can you explain  
14 what cross-cultural trauma means?

15 A. Yes. I work in contexts where I'm seeing people who are not from North  
16 America, people whose culture is different from the culture that the DSM was initially  
17 written for. That is usually referred to as cross-cultural psychiatry, and in my  
18 context I'm well versed in the DSM and well versed in its application to people who  
19 are from other cultures.

20 Q. And in that regard, can you list some of the countries or regions where your  
21 patients come from?

22 A. I can. The patients that I see in California come from all over the world. We  
23 have a large population of south Asian people, Cambodian, Vietnamese. We have  
24 actually a map on our wall where we pinpoint places where people have come from.  
25 Through that clinic I've also seen people from all over Asia, the Middle East, Africa,

1 Central and South America. I've also spent time abroad working in Haiti, Indonesia  
2 and much time in Cambodia.

3 Q. You've already confirmed to the Chamber that you provided an expert report  
4 entitled "The Mental Health Outcomes of Rape, Mass Rape, and Other Forms of  
5 Sexual Violence."

6 Were you provided with a copy of this report upon your arrival at the court by the  
7 Victims and Witnesses Unit?

8 A. Yes, I was.

9 Q. Now I'd like to turn to page 0530 of the report just to show you something on  
10 the screen.

11 MS BALA-GAYE: Just to confirm with the court officer, do we have access to  
12 display it from our end?

13 THE COURT OFFICER: You will be assigned the evidence 2 channel then.

14 MS BALA-GAYE: Thank you very much.

15 PRESIDING JUDGE STEINER: Ms Bala-Gaye, I'm sorry to interrupt you. Could  
16 you please repeat the number you just mentioned, 0530 is not part of the report,  
17 unless I'm completely -- oh, sorry, I'm sorry, I am wrong.

18 MS BALA-GAYE: In actual fact, I should give you the French version as well, just in  
19 case, but for the English version, which is CAR-OTP-0094-0493 at page 0530, and for  
20 the French version it is CAR-OTP-0094-0581, and that is at page I believe it's 0627.

21 Q. Dr Reicherter, according to the report that you provided, it states that it was  
22 prepared in April 2016. Can you clarify the exact date when it was provided to the  
23 Office of the Prosecutor or an approximate of when in April 2016 you provided it to  
24 the Office of the Prosecutor?

25 A. I'm uncertain of the exact date that it was sent to the Office of the Prosecutor.

1 That, I can find that from -- it was emailed. This is a report that was worked on over  
2 some amount of time. It was finalised in April, and I actually don't know the exact  
3 date that it was completed and sent.

4 Q. That's perfectly fine. Just so long as you confirm that it is the same report that  
5 you sent --

6 A. It is.

7 Q. -- even though --

8 A. Yes.

9 Q. -- it's unsigned? Thank you.

10 PRESIDING JUDGE STEINER: Ms Bala-Gaye.

11 MS BALA-GAYE: Yes.

12 PRESIDING JUDGE STEINER: I'm sorry to interrupt you again, it's just a  
13 clarification before we go further on the report. The witness mentioned that he  
14 works in the context where he's seen people who are not from North America, people  
15 whose culture is different from the culture that the DSM was initially written for.

16 Could you please clarify the Chamber on what DSM means?

17 THE WITNESS: The DSM is the Diagnostic and Statistical Manual of psychiatry and  
18 it's produced by the American Psychiatric Association.

19 It is an instrument that's used around the world, but it is initially created by the  
20 American Psychiatric Association. So some would say that it is becoming more and  
21 more culturally sensitive, but as someone who works with people from different  
22 cultures, it is important to take culture into context when using the DSM.

23 MS BALA-GAYE: Thank you, Madam President.

24 Q. As your Honour informed you, your report has been provisionally admitted.  
25 So my question for you is do you consent to the submission of your report as

1 evidence in this case?

2 A. Yes.

3 Q. Now, just to give you an idea, as you know, we have one hour -- well, less than  
4 that now. It is my intention to address the authorship of your report. I will also  
5 address your expertise, as well as the methodology that went into preparing this  
6 report. And lastly I will just address a few aspects of your findings.

7 Now, the first thing that I would like to address in relation to that is at page 0493.

8 And it states that the expert report was created by the Human Rights in Trauma  
9 Mental Health Laboratory, which is comprised of an interdisciplinary team that  
10 includes clinical psychiatrists, psychotherapists, social workers and human rights  
11 lawyers, amongst other professionals.

12 Now, can you describe the focus of your lab's work as well as explaining the value of  
13 assessing mental health from an interdisciplinary perspective?

14 A. So yes. Our lab is of an interdisciplinary nature because issues like this one are  
15 rather complicated and requires multiple disciplines sort of looking at them. With  
16 an issue like rape and rape in a legal setting where there is a cross-cultural aspect, it is  
17 important to be able to have different disciplines help us synthesise and prune down  
18 some of the literature into what can make sense for a case like this one.

19 As it turns out, there is so much information about the bad effects of rape on human  
20 psychology that it's almost impossible to put it into a brief report. So part of what  
21 we were doing with this report was really trying to take the salient issues and make  
22 sure that they were clear in the report without necessarily including everything that  
23 was available. That would have taken -- that did take much time to read and realise  
24 what was relevant and what was not, but there is just too much information. So we  
25 did have people who were knowledgeable about what would be useful and

1 interesting for a court and also people who could clearly get through all of this  
2 material and synthesise the most salient parts.

3 I hope I answered your question.

4 Q. Yes, indeed. One of the things that I'd like to come to is the issue of your  
5 expertise in particular. Now, at page 0495 of the report, your expertise is specifically  
6 highlighted as supplementing the massive amount of data and psychiatric literature  
7 that was available.

8 Can you explain who the primary author of the report is?

9 A. So the primary author of this report is me.

10 Q. Well, we notice that in addition to the report and your CV, you also attach the  
11 CVs of four other individuals. Can you explain who these individuals are and what  
12 role, if any, did they have in the preparation of the report?

13 A. Yes. So in science writing, you know, very often what a primary author would  
14 do when they collaborate with others would be to include the names in any kind of  
15 publication. And we're sort of following suit with that notion. So I'm the primary  
16 author for this. Dr Ryan Matlow was very helpful for me because he is so aware of  
17 the literature on biological psychiatry, maybe as much or more so than I am, but he  
18 was able to help me distill the best of that literature.

19 Also on that we had a graduate student by the name of David Reed, who was very  
20 instrumental in helping us sort through the literature that we're already quite familiar  
21 with.

22 In addition to him, we have Gerald Gray, who is an expert in survivors of torture, and  
23 worked very diligently throughout his career to create survivor treatment  
24 programmes. And he was more interested in the reparations phase and helped to  
25 look back at some of the other cases where reparations have been granted for

1 survivors.

2 The other CV that was included is Beth Van Schaack. Beth Van Schaack is an  
3 attorney and she really had nothing to do with the literature review or the science, but  
4 she was able to help us with a logic model. Sort of saying it makes -- it makes better  
5 sense maybe to put it in this order for court purposes, relative to a science paper,  
6 which might be in a slightly different order. So she was really much more like an  
7 editor or a logic manager.

8 But again, all of those CVs included basically through the fair rules of how we might  
9 think about a scientific paper.

10 Q. Thank you for that clarification. Now, just to confirm, are there any limitations  
11 of your own professional expertise that would affect the findings or conclusions in the  
12 report?

13 A. No. So I'm totally comfortable and knowledgeable about all the information  
14 that actually ends up in this report.

15 Q. Additional question: Did you personally review all of the material that was  
16 provided by the Office of the Prosecutor as well as the journals and studies that are  
17 cited in the report?

18 A. Yes.

19 Q. Now, part of that review would have involved looking at the reports and  
20 testimonies of two other Prosecution experts --

21 A. Yeah.

22 Q. -- on sexual violence. So I'm referring to Drs Tabo, Akinsulure-Smith. Can  
23 you explain the additional expertise that you bring to the issue of mental health  
24 outcomes in the Bemba case?

25 A. Yeah. I think that -- I think that I, number one, sort of, am able to read the



1 material that they brought and, number one, corroborate that everything that's in  
2 their report is totally consistent with what's expected and what's seen with regard to  
3 the issue of rape and sexual violence generally.

4 I think the other thing that our report is able to do that was not touched upon so  
5 much in their reports was, sort of, talk about the -- sort of a broader picture of what  
6 sexual violence -- the damages that sexual violence causes to an individual, a family, a  
7 society, and also sort of the long-term effects of sexual violence.

8 I think that that was not -- I don't think that was the intention of either report written,  
9 but our report definitely discussed that where theirs did not as much.

10 Q. You explained that you weren't surprised by the content of their reports and  
11 their testimonies because it's consistent with what you know in the field. Therefore,  
12 do I take that to mean that in your experience you wouldn't expect trauma, mental  
13 health outcomes in the Central African Republic to differ from that of other  
14 populations that you've worked with?

15 A. No, not at all. I've read reports and journal entries from places really all over  
16 the world, through the human rights organisations, through scientific journals,  
17 through World Health Organisation and in cases where there is mass rape, where  
18 there is a population that's been raped. It's very common to see similar outcomes.  
19 In fact, it would be quite uncommon to see an outcome where there was not mental  
20 health outcomes after mass rape.

21 Q. Now, for the rest of my questions I will be referring to particular extracts of  
22 your report, which will appear on the screen in front of you.

23 So the first extract that I will look at is from page 0494 to 0495. And I'll just read the  
24 extract for you. It says:

25 "As this report recounts, a vast amount of uncontested data within the science of

1 psychology predicts consistently poor outcomes for victims/survivors of rape and  
2 sexual assault as well as long-term and pervasive negative impacts on their families  
3 and communities."

4 And then you go a step further and quote:

5 "The systematic rape of the women in the Central African Republic was no different."

6 You also state that:

7 "These assaults, as predicted by the science of medical biology and human  
8 psychology, resulted in appalling damage to the populace's mental and physical  
9 health. The science also predicts that this damage will be long-term and  
10 inter-generational, harming impacted communities well beyond the individual  
11 victim."

12 Now, considering that you have not clinically assessed any victims or survivors in the  
13 Central African Republic, can you explain the basis of your findings?

14 A. Yes. As I was alluding to when we first started this line of questioning, the  
15 scientific literature in any science is vast. When it comes to psychiatry, the  
16 psychiatry of trauma is well, well documented and then particularly sexual violence  
17 and rape. And in fact, it really was something beyond the scope of what we were  
18 able to put into this report, the total number of references that we could for data  
19 reference put into this report. So each of those statements, I feel like we could have  
20 made 25 or even 100 references. But as you've seen if you've read the report, there is  
21 already maybe 10 pages of references just from what we felt we must put in.  
22 So what I'm getting at here is that each of these statements is backed by decades of  
23 deep scientific data that predicts this exact same thing.  
24 Again and again and again, when these populations are studied, the numbers come  
25 out similarly. In each case where they're studied, they may be statistically different

1 but with a margin of error that makes us understand that it's a very, very difficult  
2 issue.

3 So in other words, if one study that's done in the Congo has a PTSD rate that is one  
4 number and another study that's done around sexual violence in a different culture,  
5 different region has a different PTSD rate, people might quibble over, well, why is it  
6 the case that this number is not the same as this number?

7 From the perspective of scientists, the big picture is that they are very high. They're  
8 orders of magnitude higher than what we expect to see in a non-conflict society.

9 So when we're looking at populations that have been exposed to this level of trauma,  
10 which is extremely high, it's hard to say exactly what the number will be, but it's quite  
11 obvious that that number will be high.

12 And back to specifically your question, the reason why there are few reference points  
13 in any of this is because there is too many references, and most of them are in our  
14 reference at the end, and all of those references basically lead me to predict what  
15 we're seeing in the data that we've gotten in this case.

16 PRESIDING JUDGE STEINER: Ms Bala-Gaye, I'm sorry, but since you started your  
17 question saying that you would put questions from page 0494 to 0495, and since we  
18 can have only one page per time on the screen, probably the witness is not reading  
19 what you just read to him. So I would suggest that you could mention which  
20 paragraph, for instance, or that the witness be provided with a hard copy of the  
21 report, because otherwise he cannot confirm what you're saying.

22 MS BALA-GAYE: Indeed, Madam President. We actually have the TrialDirector  
23 on our end and it's supposed to pull out each quotation, but we're also happy to  
24 provide a hard copy if that makes it much easier for the witness.

25 THE WITNESS: I can see those two lines right here. One is highlighted. But, yeah,

1 I'm happy to look at a hard copy too. Thank you very much. Thanks.

2 MS BALA-GAYE:

3 Q. Dr Reicherter, you just, as part of your answer, you touched upon something  
4 that I'd like to address a little bit. Now, in light of the universality of the outcomes  
5 that you've just described, to what extent do social and cultural factors affect the  
6 conclusion that the grave mental health outcomes will occur? I know you talked  
7 about how they affect the rates of percentages, but do they actually affect the  
8 conclusion that these outcomes will occur?

9 A. No, I mean, I think it's expected that in the context of mass rape and violence of  
10 this magnitude that we are fairly certain in terms of our prediction that you would see  
11 a greater number of poor mental health outcomes. Exactly what that number would  
12 be would be hard to estimate.

13 There are protective factors and also risk factors that could be present in different  
14 populations, in different times, in different situations.

15 But given the magnitude of brutality and violence that we are aware of in this case,  
16 you know, our estimate would be that the numbers would be quite high, and in fact,  
17 that's what we saw in the reports that were written. So there were no surprises.

18 Q. Now, I know you touched upon this a little bit, but could you elaborate further  
19 on the methodology in terms of how your actual findings regarding the events in the  
20 CAR is supported by the assessments of actual harm from both the experts that  
21 testified in this case, since they had an opportunity to examine survivors, as well as  
22 the witness testimony that you were given access to?

23 A. Yes. Yeah, yeah, there's several different sort of veins that we're mining to get  
24 data for this kind of report. So our methodology, you know, we're really -- any time  
25 we would write any sort of report that's about a situation, obviously the facts of the

1 situation are of utmost importance, but they don't occur in a vacuum in terms of the  
2 science. There is so much scientific literature about what happens with regard to  
3 rape, with regard to mass rape, with regard to conflict that we -- our methodology is  
4 really to begin by drawing from other examples, sort of talk about what the science  
5 tells us about rape, mass rape, what the science tells us about risk factors for poor  
6 outcomes versus protected factors for maybe mitigating outcomes.

7 And so really our initial approach to writing a report like that is to draw from all of  
8 the scientific knowledge that we can, really search our scientific data for papers,  
9 books, conferences, projects that look at these numbers, look at these outcomes in any  
10 situation throughout the history of, you know, psychiatry as a science and  
11 particularly as psychiatry as a science evolves into an evidence based science.

12 So looking at a thorough and deep literature review, including cases, books, journal  
13 articles, et cetera, from the field of psychiatry and medicine, from the field of  
14 psychology and then extending that research exploration into other fields like  
15 anthropology, social science, sociology and then our next step is to look at the actual  
16 reports that were provided to us about this particular circumstance, which were  
17 extensive and very well put together.

18 So in other words, sort of comparing the data that we've seen in all other cases to the  
19 data that is provided to us about this specific case.

20 And then in addition to that we were also given individual remarks from people who  
21 were survivors and victims. And we went through those carefully looking for  
22 evidence in there that was consistent with, you know, with the evidence that we had  
23 seen in other places.

24 And it wasn't hard to find. I mean really if anything we found surprising, I found  
25 surprising about the individual testimony was how polite these folks were in

1 reporting what happened to them. Some of them were sort of unable to provide  
2 details, skipped over details, began weeping when it was time to talk about details.  
3 But all of them had consistent reports.

4 And then I think the other, the other final piece that I drew from, and the other folks  
5 that are in my lab, particularly Dr Matlow and Dr Reed were able to draw from was  
6 their own personal experience of working with at least hundreds of rape survivors  
7 that we've seen immediately after rapes or five or ten years after rapes and again  
8 having the stories and facts that became present in this case be entirely consistent  
9 with what we've seen clinically time and again in our own practice.

10 Q. Now, just to address a matter of science essentially, as we know, science is  
11 always evolving and the body of literature is increasingly extensive. What can you  
12 tell us about the trends in scientific evidence in relation to mental health trauma and  
13 what they say about rape and mass rape?

14 A. I feel like, I feel like there is not a lot of -- there is not a particularly lot of  
15 evolution or change. From the time that psychiatry has been considered a science,  
16 it's quite clear that extensive trauma tends to cause bad mental health outcomes. I  
17 think the nomenclature has been refined with time. People have tried to create  
18 better instruments for measuring the level of trauma, the way of naming mental  
19 health disorders, those kinds of things or linking named mental health disorders to  
20 trauma, that has evolved with time in an unsurprising way because I think early on it  
21 was quite clear that severe traumatic experience causes bad mental health outcomes.  
22 And I think particularly intimate and humiliating traumatic experience like rape or  
23 rape that is, you know, witnessed by family members is particularly a risk factor for  
24 developing these things. So I would say that science has evolved in that we've  
25 become better at identifying it, creating good statistics around it, but the theory has

1 not evolved much. It's pretty straightforward, we're aware that very traumatic  
2 experiences cause bad mental health outcomes.

3 I think one area that has evolved is sort of understanding the biological science  
4 behind, you know, why that happens or what happens when people are traumatised  
5 to this level and when they develop mental health disorders.

6 Q. And just to confirm, because I believe you've touched upon this already, are you  
7 aware of any scientific studies of populations which are resilient to traumatic events  
8 such as mass criminality, mass rape?

9 A. Yeah, I would shy away from -- I wouldn't want to use the word "resilient"  
10 because I think that that implies sort of a, you know, moral context, maybe sort of  
11 saying that one population is better somehow than another. But to answer your  
12 question, I mean I'm not aware of populations that survive this level of traumatic  
13 experience that have good outcomes. There are -- you know, we do see differences  
14 in numbers, right? I think that's reflected even in the literature that we refer to here.  
15 And sometimes I believe that people can walk away from that difference not  
16 understanding the big picture. In other words, if this population develops  
17 post-traumatic stress disorder at one rate, whereas this one is measured to develop it  
18 at a lesser rate, really what that -- the takeaway message should not be that this  
19 population is more resilient than this population, but more that both populations  
20 were very, very much affected and maybe we didn't capture it very well or maybe  
21 there's some other factor that we're unaware of, a risk factor in one population that  
22 was not present in the other.

23 But to answer your question directly, it's not aware of any good studies wherein a  
24 population has been violated to this level and not had severe mental health outcomes.

25 Q. That's very clear. I'd like to move on to the issue of limitations, so limitations

1 in terms of assessing mental health trauma. In your expert opinion, can the totality  
2 of harm and the extent of damage be understood purely through statistics, for  
3 instance?

4 A. Can you ask that question in a slightly different way? I think I understand  
5 what you want, but I'd like to hear it again.

6 Q. Yes, let me put it differently. If we were to look at mental health purely from  
7 statistics to say five people were raped, for instance, what would that be missing in  
8 relation to explaining to us the extent of the damage caused to those victims?

9 A. It's a very important question, and I'm glad that you asked it that way also.  
10 You know, as somebody who understands population science, I am very interested in  
11 statistics, outcome information, et cetera. But as somebody who is also a clinical  
12 psychiatrist and creates assessment plans for individuals, right, we don't think of  
13 people necessarily as being put into boxes, being put, this person has PTSD and this  
14 person does not.

15 And so in some ways the statistics are misleading in a way that somebody who does  
16 not develop a specific mental health disorder might be seen as somebody who has not  
17 been affected by a crime. And that's an incorrect way to think about it.

18 So in that way PTSD surveys can be limiting suggesting that those who do not meet  
19 the full symptom criterion for PTSD are just fine, and there is nothing wrong with  
20 them, when in fact that is not the case.

21 We work with many, many, many patients who have other clear mental health  
22 disorders that are not PTSD or maybe do not fit nicely into a category that we would  
23 call a mental health disorder, a disease, et cetera, and yet there is still something quite  
24 affected in them, right? In other words, somebody who walks away from a severe  
25 crime like rape and somehow does not develop the disorder that we call PTSD, it is



1 not the case that that person is therefore well.

2 A lot of the times when we're doing surveys like PTSD surveys, we really do miss  
3 something else that is present. So somebody may have lost their marriage over this,  
4 but yet they don't meet the full criterion for PTSD. They may be very, very much  
5 affected, have lost their faith in God because of a traumatic experience. I'm just  
6 giving some examples, but you can imagine.

7 Being gang raped almost always will cause some very bad psychological outcome.  
8 Whether it's something that we can diagnose or not is a different question. But I  
9 think that's answering your question.

10 Q. Yes, it does. On the screen in front of you there is another extract from your  
11 report, and I'm referring to page 0498.

12 And this is what you state: "International criminal law has a tendency to focus on  
13 harm to the individual victim at the hands of an individual perpetrator. However,  
14 the science of psychology and research conducted in other situations of mass violence  
15 (such as Bosnia Herzegovina and Rwanda) teaches us that the consequences of sexual  
16 violence deployed on a massive and systematic scale" far more extensive -- "are far  
17 more extensive, pervasive, and devastating than can be measured in an assessment of  
18 an individual victim."

19 Can you elaborate a bit more on that point?

20 A. This is similar to what we were just -- we were just talking about individuals,  
21 now we're talking about, you know, this broader spectrum. So, you know, so in a  
22 community where it's hard -- where that many people have been affected by  
23 something like rape, and we're using an instrument which is specifically a mental  
24 health measurement instrument like post-traumatic stress disorder rating scale, what  
25 we're not picking up on is how many, you know, mothers lost interest in being

1 mothers or became divorced because of the rape that happened? How many  
2 marriages were affected to the point where, you know, there is no happiness or  
3 divorce occurs?

4 These are damages and sufferings that are had by the victim that aren't accounted by  
5 through, you know, a straightforward psychiatric measuring tool.

6 Q. Now, bearing that in mind, if we take this case, for instance, and we were to  
7 conduct a single mental health assessment of each single victim, direct victim in the  
8 case, and we've only done this at one point in time, in your expert opinion, what  
9 would be the limitation in that approach in relation to capturing the more  
10 longitudinal and intergenerational aspects of the harm caused?

11 A. Yes, it depends on, you know, what the interview entailed. Most psychiatric  
12 interviews that would be about providing psychiatric treatment would focus on  
13 diagnosis and a treatment plan specifically for that diagnosis. A more  
14 comprehensive mental health assessment would include what we call, you know, the  
15 biological, psychological and sociological sort of taking into account, you know, in  
16 what way has their biology changed? In what way has their psychology changed?  
17 And also in what way has their standard of living or their lifestyle changed?  
18 What I was aware of with this case was mostly looking at for the large part diagnosis  
19 and looking at, you know, did people have PTSD or not, which is a common way that  
20 a psychiatrist might look at an individual. But a more comprehensive approach  
21 would include really, as a result of the violence, the rape, what parts of your life have  
22 changed? In what way did that interfere with your life's direction?

23 So yes, if I have post-traumatic stress disorder, I have nightmares, I can't -- my mind  
24 doesn't function as well as it once did, my memory is poor, you know, I have  
25 intrusive thoughts and memories of the rape that happened to me, that's not taking

1 into account, yes, and also my husband left me, and I've become a pariah in my own  
2 community, those things might not show up in a mental health assessment, but  
3 they're there; or I became financially unstable, I'm no longer able to feed my children  
4 because I have no money because I'm no longer with a husband, these sorts of things  
5 would not necessarily be things that would be done in an individual psychiatric  
6 assessment that was only looking at the mental health outcomes of the violence.

7 Q. An additional component to that is the issue of re-victimisation, because what  
8 I'm wondering is if you conduct an assessment at one point in time and we know that  
9 there is a possibility for either certain symptoms to resurface in the future or for the  
10 victim to be re-victimised in the future, aren't you somewhat limited in time in  
11 relation to what you can -- what you can assess at that point?

12 A. Can you ask the question a slightly different way? I think I know what you're  
13 trying to ask and I have a thought on that, but I would like to hear another saying of  
14 that question to make sure I answer it as we need to.

15 Q. Yes, indeed. You've touched the issue of the type of assessment --

16 A. Yes.

17 Q. -- that you make. Now I'm looking at the issue of time.

18 A. Yes.

19 Q. So if you're assessing a victim say in 2002, but as we know, certain things can  
20 happen in the future in 2010, 2020 --

21 A. Yes.

22 Q. -- to what extent can you make that projection based on the assessment of 2002  
23 or do you still have to fall back to scientific assessments of the possibilities in the  
24 future?

25 A. Well, I'll say a few things about that. I mean an assessment is done -- an

1 individual assessment on a patient, a client is done at, you know, a specific time. So  
2 if that person was seen in 2010, you would take into account all of the things that had  
3 happened to them up to that point, you know, and so that assessment would be sort  
4 of a point of prevalence assessment. You'd also want to have the information about  
5 what happened before.

6 What's true with rape is that it's often times the major catalyst for many, many bad  
7 outcomes that come afterwards. So it is well-known that people who have  
8 post-traumatic stress disorder, specifically women who have post-traumatic stress  
9 disorder from rape, are more frequently re-victimized than a normal population.  
10 So being -- having PTSD is a risk factor for going on to have more violence occur in  
11 their life. It's not because they're unlucky. It's more because their behaviour has  
12 changed. Their biological and psychological outcome has changed from the original  
13 insult and therefore they become at risk for re-victimisation ongoing. That's true  
14 with PTSD in general, but specifically with PTSD that is stimulated by sexual  
15 violence.

16 Q. Thank you. That's very clear.

17 I'd like to read another extract from your report, and I'm referring to page 0502. And  
18 what you state -- sorry, I'll just make sure it's up.

19 A. Okay.

20 Q. You stated that "Strikingly, 100 percent of the women treated at the Department  
21 of Psychiatry at Bangui National University Hospital in CAR suffered from  
22 post-traumatic stress symptoms" and you took this from Dr André Tabo.  
23 You then stated that "These numbers suggest the impact of the rapes in the CAR  
24 caused psychiatric damage far beyond what might have been predicted based on  
25 research from non-conflict zones."

1 And then you say, "While increased prevalence rates are expected for a population of  
2 rape victims, the alarmingly high rates of post-traumatic distress in the current  
3 population in CAR underscore the heinous and pervasive nature of the crime."

4 What do you mean by that?

5 A. Well, I think, I think we are struck by the 100 percent, right, even if there is a  
6 selection bias, and a selection bias could occur, you know, in this way. Maybe it is  
7 true that the people who came to the hospital also were suffering with worse  
8 symptoms and people who did not come to the hospital, the reason that they didn't  
9 come is because they didn't have as good of -- as bad of symptoms.

10 That's not -- that's not true -- that's not the truth. It's a guess. And, you know, the  
11 other possibility is that the people who didn't come had worse symptoms, that's why  
12 they didn't come. There's no way to know. It's all speculation.

13 But 100 percent is unusual. You know, even when we are doing PTSD assessments  
14 on populations that have been clearly traumatised, the way that we think about  
15 post-traumatic stress disorder is sort of the first criterion is that people have been  
16 exposed to a traumatic event, and that's defined as a very serious traumatic event that  
17 probably created horror in the victim and was life threatening, right? And so that,  
18 that particular criterion can be better or worse, you know, so for that criterion to be  
19 bad enough to ultimately provide a population with 100 percent inclusion for PTSD is  
20 actually unusual.

21 It's not shocking, given what we read about the specific instances here in this case  
22 because each of the instances seem to be -- bring with them many risk factors, but it is,  
23 it is unusual. Even in circumstances where we're working with torture survivors  
24 who have been through pretty extensive traumatic experience, yeah, we're looking at  
25 very, very high rates, but not necessarily the 100 percent. So we were struck by that

1 number.

2 Q. If we stay on that line regarding the heinous and pervasive nature of the crime,  
3 the one thing that the Judges found in the judgment was that there was evidence of  
4 specific motives and objectives behind the commission of the rapes. And these were  
5 the rapes against men, women and children. And in particular they found that some  
6 MLC soldiers considered victims to be war booty and/or sought to destabilise,  
7 humiliate and punish suspected rebels or rebel sympathisers.

8 So in your expert opinion, would that create an additional risk factor --

9 A. Yes.

10 Q. -- to developing PTSD and other similar grave outcomes?

11 A. Absolutely right. So risk factors for PTSD, obviously, obviously I've sort of  
12 described the general inclusion criterion, this terrible traumatic experience where you  
13 were in horror, where you felt like your life might be threatened is what the ICD-10,  
14 also the DSM sort of uses to consider what this diagnosis ought to look like and how  
15 we ought to think about it.

16 But then there are other risk factors that make it more or less likely for the trauma to  
17 result in a clinical -- bad clinical scenario, right? And those include, you know, the  
18 interpersonal nature of the act. All right. So it turns out that people who are  
19 survivors of terrible things like natural disaster actually have a lower frequency of  
20 developing PTSD than people who are survivors of intimate crimes where it's acted  
21 out personally.

22 And so many of the things that we saw in this crime were sort of risk factors for the  
23 development of PTSD. The fact that it was interpersonal, the rape, the fact that it  
24 was humiliating, sometimes making family members watch the rape, sometimes  
25 making family members commit the rape, the fact that, you know, sometimes the

1 husbands were forced to watch wives be murdered -- be raped and then the husbands  
2 murdered after, each one of these things is a grave risk factor and loads the odds in  
3 terms of risk factor that this person will then go on to develop a mental health  
4 disorder, PTSD or something else.

5 And so each one of the things that we were reading about as we read through the  
6 specific cases, you know, were again not surprisingly ended up causing a higher  
7 frequency of post-traumatic stress disorder. And whether that was by design or not,  
8 I'm not able to say. But, you know, I am, as somebody who studies torture and  
9 works in the torture rehabilitation community, I mean often times torturers are quite  
10 savvy about how to use terror tactics in order to change people's mental health. And  
11 I don't know about this case, but as we're reading through it, it sort of seems like these  
12 were not about sexual gratification. These were about terror and torture.

13 Q. Before I ask you a couple of questions on that same line, can you clarify two  
14 things?

15 A. Yes.

16 Q. One, what does ICD stand for? You mentioned DSM, but what does ICD stand  
17 for?

18 A. So, yes, ICD is the International Classification of Disease. It's so -- the  
19 Americans have their own DSM that was created by the American Psychiatric Society.  
20 The World Health Organisation recognizes that but tends to prefer the ICD-9 and  
21 now it's the ICD-10 because it is a classification of all diseases, not just mental health  
22 diseases.

23 And so what you see in the world internationally in most studies, it's maybe 50/50, 50  
24 percent using the DSM, 50 percent using ICD-9 or ICD-10.

25 The reality is these diagnoses are almost exactly the same. If you read them carefully,

1 you know, if I refer to post-traumatic stress disorder, really there is very little  
2 distinction between the two. It's simply which one of the two the specific survey or  
3 study is using. I'm sorry that I threw that lingo out.

4 Q. No, that's perfectly fine.

5 Just to clarify one more thing, one of the types of rapes that you referred to was  
6 having a family member commit the rape. Now, while this wasn't in the victim  
7 testimonies, is this something you came across in the reports or is it from your own  
8 experience?

9 A. So I must, I must admit I'm not sure which my source was. I think that it was  
10 in victim testimonies. I'm pretty sure it was in the expert reports that we read. And  
11 it's not an uncommon practice. So I've read about it in other circumstances and I've  
12 actually had patients that I have seen from Africa who witnessed this themselves.

13 Q. And still under line of the additional risk factors that lead to the grave mental  
14 health outcomes, in the Bemba case the common pattern was that MLC troops would  
15 either commit multiple or gang rapes of the same individual. Just to make sure I'm  
16 understanding you right, would that also be considered an additional risk factor to  
17 developing grave mental health?

18 A. Absolutely. In fact, in another -- so not only the violence, but then the  
19 subsequent loss of stability. So you are gang raped, you lose your maybe wage  
20 earner in losing your husband and you're pillaged so you have no more belongings, I  
21 mean each one of these things is a risk factor, right? In addition to the violence, each  
22 one of those things is a risk factor for going on to have a bad mental health outcome.

23 Q. If we consider your experience, for instance, with the Cambodian survivors, and  
24 these are the survivors of rape and other types of violence such as torture, even now  
25 about 40 years after the events of the Khmer Rouge regime, do you continue to see



1 effects of those mental health outcomes either visibly or in your assessment of  
2 patients even today?

3 A. Yeah, so I think you're asking me about my own personal clinical experience,  
4 the answer is absolutely yes. It's astounding. I work with patients who are the  
5 survivors of the Pol Pot genocide. That regime started in 1975. You know, that  
6 ended in 1979. I have patients that are in their seventies and eighties who still have  
7 multiple nightmares every night, cannot function, don't go to the grocery store.  
8 They have, they have a version of PTSD that, you know, I'm not sure -- I'm not sure  
9 I'm articulating this well enough, but it looks very fresh. It's as though no time has  
10 elapsed between when they experienced this and now.

11 And that's my anecdote. In addition to my anecdote, many studies have been done  
12 on Cambodian populations that are immigrant in the United States, sort of look at,  
13 well, you know, how are they? And there is a study that was done in the 1980s at  
14 Harvard and then it was sort of updated in the late 90s, still finding that Cambodian  
15 people had PTSD prevalence rates as high or higher than 50 percent.

16 And just for reference, you know, the general population in the United States has a  
17 PTSD rate at approximately 1 percent. And that counts all returning veterans, every  
18 rape survivor, everyone who has ever had something traumatic happen to them, but  
19 in the whole population, you know, close to, close to 1 percent. And in this  
20 Cambodian diaspora, because they've lived through such tremendous violence, closer  
21 to 50 percent, according to these studies.

22 Q. If we apply that to the context of this case and we take the example of children, I  
23 mean in our case we have children who are 10 years old, 11 years old, very young  
24 children, are you saying that the prediction is that such children would continue to  
25 face such grave mental health outcomes even say when they're 40, 60, essentially a

1 lifelong symptom or process essentially?

2 A. So I want to make sure I answer your question correctly. There is a couple of  
3 different factors that are very, very important. One is this: Children who are  
4 violated, children who are raped tend to have worse and more pervasive bad mental  
5 health outcomes given -- given that context. And so it is expected that they would  
6 have mental health changes that would be lasting.

7 Parents who develop mental health disorders like PTSD tend to have changes in their  
8 behaviours, changes in the way that they parent their children and then we see  
9 maladaptive behaviours in the second generation.

10 So I'm not sure which of the two things you're asking, or maybe you're asking both  
11 things.

12 You know, in some of these instances, you know, both the child and the parent were  
13 traumatised. In populations that are studied well where the parental generation was  
14 the survivor of traumatic experience, their offspring, not necessarily the survivors of  
15 traumatic experience, went on to have greatly exaggerated rates of mental health  
16 disorders.

17 And then specifically to your question, children who are raped have astronomically  
18 high lifelong prevalences of mental health disorders.

19 Q. Thank you. Now on the issue of lack of access to proper treatment, would the  
20 reluctance or the lack of access to proper treatment create an additional risk factor  
21 that will lead to the grave mental health outcomes like on top of the initial rape?  
22 Would the lack of treatment basically aggravate the situation in general?

23 A. Yeah, I think we can look at that in two different ways. It's a great question  
24 and I think we can think about it in two different ways.

25 A mental health treatment can be looked at, you know, in very, very different ways in

1 different cultures. I mean much more so than the outcomes and the mental health  
2 surveys or outcomes that we see seem to be very similar cross-culturally. Sometimes  
3 the method for addressing that might be different from one culture to another.  
4 Nevertheless, we do think of mental health treatment in some form as a protective  
5 factor from people going on to develop terrible mental health outcomes or never  
6 having their mental health problems addressed, right? So we can say the absence of  
7 mental health treatment or the absence of mental health resources is a risk factor.  
8 The presence of mental health treatment or mental health resources would be a  
9 protective factor.

10 Q. That's quite clear.

11 In your report you address the issue of intergenerational transmission of trauma.  
12 Now, in your professional experience, have you found similar examples amongst  
13 your patient population? I mean I know you've referred to studies of human  
14 transmission but --

15 A. Yeah.

16 Q. -- have you found similar transmissions in your experience?

17 A. Yes, so I -- well, I can answer that in anecdote and then I can also speak to the  
18 science.

19 The anecdote that I have I must say could be by a sample also, but my second  
20 generation of the torture survivors and the refugees that we see in my clinic in San  
21 Jose tend to do very poorly. I know that this Court is not about Cambodia. Many  
22 of my clients, about a quarter of them are Cambodian clients, the second and then  
23 third generations of Cambodians that are immigrants to the United States have done  
24 very, very poorly, not acculturated well, have disproportionately turned to criminal  
25 lives and then their children also tend to suffer.

1 And then to the literature, I mean, it's another thing that's sort of, you know, pretty  
2 clear, second generation of traumatised people, second generation of people with  
3 trauma related mental health disorders tend to also have a higher rate of developing  
4 mental health disorders.

5 And I'm not sure if it's appropriate for me here to sort of talk about the theories as to  
6 why that is and the science behind that. The science, the thing that's most clear is  
7 that that's a fact. So in other words, when you look at a sample of people with  
8 post-traumatic stress disorder, their children do much worse and have a much higher  
9 rate of mental health disorders than people who do not have post-traumatic stress  
10 disorder, their children.

11 And there is a number of different ideas that, you know, have a very different  
12 profound base in the science as to why that might be, but I think the fact of the matter  
13 is that it is a -- it is true.

14 PRESIDING JUDGE STEINER: Ms Bala-Gaye, I'll give you five more minutes.

15 MS BALA-GAYE: I only have two more questions. Thank you.

16 Q. Dr Reicherter, perhaps this will serve to allow you to elaborate further. At  
17 page 0518 of your report, you found that, quote, "We can expect that the acts of rape  
18 and sexual assault that were committed in the Central African Republic will  
19 correspond with alterations in the biological stress response, (which subsequently  
20 influences psychopathology and functioning) both in current victims and in future  
21 generations, therefore underscoring the pervasive and lasting impact of the crime."  
22 Can you just explain to us what you really mean by that?

23 A. Yeah, this is really where the biological science is, is you know, becoming more  
24 and more known. It's not a new science. This is a science that's been around for 40  
25 years but is evolving and evolving. In fact, the biological response to stress is a

1 major area of research at Stanford University. So I'm quite aware of it. Much of the  
2 laboratory work that happens happens right in my building. But it's becoming more  
3 and more clear that this is not simply a psychological outcome. This is -- the  
4 psychology is completely based in the biology of human beings.  
5 And when we see people that are developing post-traumatic stress disorder, what  
6 we're also seeing is severe changes in their stress hormone response, namely, they  
7 have, you know -- to sum something up with the five minutes that I have, and  
8 unfortunately this is more than a five-minute reality, the stress hormone that people  
9 produce when they're under stress is overproduced in people with PTSD and it's  
10 overproduced to the extent that it actually causes brain damage.  
11 Furthermore, it causes a dysregulation of how that stress hormone is produced. So in  
12 anybody without post-traumatic stress disorder, including in myself, coming to this  
13 event, being jet lagged, being a little anxious before I came out here, I would have a  
14 normal movement of my stress hormone. People with post-traumatic stress disorder  
15 initially have an overwhelming stress hormone in their body which actually leads to  
16 some brain damage but also sets to -- it also occurs that they no longer are able to  
17 regulate that stress hormone in a normal way where it has peaks and valleys. It goes  
18 up at the right time when you need stress, it comes down when you need sleep. It  
19 sort of ends up being in this unmoving place, which is very pathological.  
20 That's the major finding that we see with people who have post-traumatic stress  
21 disorder or trauma related mental health disorders.

22 Does that answer the question or did you have more?

23 Q. Yes, indeed. But I will ask only one last question.

24 A. Okay.

25 Q. At page 0494 of your report, you stated that "The effects of rape of a single

1 individual are felt across multiple generations."

2 Now, in this case the Chamber found Mr Bemba responsible for 28 acts of rape, of  
3 multiple rapes committed by MLC troops, as well as other acts of murder and  
4 pillaging, which were only a portion of the widespread crimes that were committed.  
5 So my question to you is, bearing in mind that you say that a single individual rape  
6 can be felt across multiple generations, what does that tell you in general in relation to  
7 28 rapes, for instance, in that context?

8 A. Yes, I'm not sure that it's a multiplicative or, you know, an additive effect, you  
9 know. The fact of the matter is that a person who is raped and has these sort of  
10 lasting and potentially permanent changes in their brain and therefore their  
11 behaviour, why that will almost certainly affect the way that they parent children,  
12 that can affect another generation and even, you know, a generation to come after  
13 that.

14 And I'm not sure that it's correct to say if there is two people who are raped or three  
15 people who are raped it's just, you know, a matter of adding them, especially when  
16 people are of the same community.

17 So, I mean, a different way to think about that would be, you know, the amount of  
18 people that are functioning in a community that are affected by such heinous crime is  
19 a little bit different than just adding them up. So if a percentage of a community has  
20 this very negative consequence and has a hard time raising their own children, it  
21 seems to me that that is, you know, a more massive effect than just the individuals  
22 added together.

23 Q. That's very clear. Thank you very much for answering my questions.

24 MS BALA-GAYE: Madam President, I would like to request the admission of seven  
25 documents with your leave, I could read them into the record. They relate to the

1 expert report that has been provisionally admitted.

2 PRESIDING JUDGE STEINER: Yes.

3 MS BALA-GAYE: So the first document is the letter of mandate, which is  
4 CAR-OTP-0094-0485, the list of evidentiary materials that were provided by the  
5 Prosecution to the expert, which is CAR-OTP-0094-0488, as well as the four CVs, so  
6 CAR-OTP-0094-0541, CAR-OTP-0094-0552, CAR-OTP-0094-0560,  
7 CAR-OTP-0094-0564, and lastly, CAR-OTP-0094-0568. And these are documents 4 to  
8 10 on the Prosecution's list of documents. Thank you very much.

9 PRESIDING JUDGE STEINER: Thank you very much, Ms Bala-Gaye.  
10 Would Defence like to answer about the request for tendering into evidence those  
11 materials?

12 MR HAYNES: Can I defer that until the end of the witness's evidence, your Honour,  
13 please? Thank you.

14 PRESIDING JUDGE STEINER: Of course.

15 Before I give the floor to Maître Douzima Lawson, I would like just to put one  
16 question to the expert.

17 In relation to the post-traumatic disorder that can be caused by rape, by your  
18 experience or by the literature on the issue, is that the same when the raped person is  
19 a woman or a man or you have observed any difference between them?

20 THE WITNESS: Yeah, I should be clear and I'm not sure if I have been, as I'm  
21 answering that question, you know, post-traumatic stress disorder is but one mental  
22 health outcome that's possible after a traumatic experience. And hopefully in our  
23 report we sort of made clear that there are many other diagnosable mental health  
24 outcomes that can happen. That's number one.

25 Number two, you know, I think that, I think that people who are raped, even if they

1 don't fit nicely into a category that's been created by the World Health Organisation  
2 or the American Psychiatric Association, you know, their suffering still counts for  
3 something and it can be examined.

4 But to answer your question specifically, men, women or children who are raped, it is  
5 a risk factor for them to go on to develop post-traumatic stress disorder or some other  
6 mental health disorder and it is clear that men and women develop post-traumatic  
7 stress disorder after rape.

8 I cannot say whether the rate is identical in this specific population because there is  
9 not a big enough sample, but absolutely we would, you know, we would be -- if I was  
10 to interview these clients or try to do a survey, I mean, that would be the information  
11 I would want to have is, you know, do the men develop post-traumatic stress  
12 disorder as the women did? It would be expected.

13 PRESIDING JUDGE STEINER: Yes. My question is just following your  
14 observation that in case of children, the effects are more damaging. That's why I  
15 asked whether there is --

16 THE WITNESS: Yeah.

17 PRESIDING JUDGE STEINER: -- any difference between men and women as well.

18 THE WITNESS: Yeah. I would say the difference between men and women is  
19 probably less important than the difference between adults and children. If children  
20 are raped, you know, they're -- I don't want to go too long, so you have to stop me, I  
21 can go too long on this, but children are still in the process of developing their  
22 personality, they're still in the process of learning about love and trust, right? And  
23 so, you know, if -- you know, in this case in one of the reports it said children as  
24 young as 6 years of age were raped. You know, a child under the age of 12 really is  
25 still learning about how to trust other people, how to love other people, how to think



1 about relationships, maybe not even ready to think about sexuality at all. If that  
2 person is raped by a man, it can create pathology that's not -- you know, we can call it  
3 post-traumatic stress disorder, but I think it's more fundamental to their personality  
4 development as well and, therefore, I would be concerned that it could cause deeper  
5 and longer lasting pathology for children.

6 PRESIDING JUDGE STEINER: Thank you very much.

7 Now I'll give the floor to the Legal Representative of Victims, Maître Douzima  
8 Lawson.

9 You have the floor, Maître.

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

11 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation)

12 Q. Good afternoon, expert.

13 A. Good afternoon.

14 Q. Mr Expert, I am Ms Douzima Lawson, and I am the Legal Representative of the  
15 victims in these proceedings. I'd like to put some questions to you regarding the  
16 report and I may also have some follow-up questions.

17 A. Please.

18 Q. Very good. I think that the Prosecutor has already covered some of the ground  
19 I wanted to cover myself, but I will be putting some questions which are a little bit  
20 different to those which she put to you.

21 Now I'll start with page CAR-OTP-0094-0534 of the report. Now, this report was  
22 written by a multidisciplinary team. In the report it is stated that violence -- sorry,  
23 rape and sexual violence is often used to humiliate people, to humiliate victims and  
24 more. It is also stipulated that the systematic rape of women in the CAR falls under  
25 this frame. I'm looking at page 3, in fact. I'm actually reading from the French

1 version so there may be a discrepancy with the English version you have in front of  
2 you.

3 A. Okay. I'll try to follow along.

4 Q. Expert, given the rising violence we see in the world, we hear a lot about rape as  
5 a weapon of war, as Dr Tabo said himself, you've cited him in your report, could it be  
6 said that what happened in the Central African Republic between 2002 and 2003  
7 could be considered or at least could be considered that rape there was used as a  
8 weapon of war based on your report?

9 A. I'm not sure that I am allowed to guess the motive, but this is definitely the  
10 same pattern that we see when rape is used as a weapon of war, and it's used over  
11 and over in a very similar way. What we're seeing here is rape that is not necessarily  
12 about sexual gratification. It's really not about sexuality at all. It's about violence,  
13 power and humiliation, which is the pattern that we tend to see when rape is used as  
14 a weapon so to speak. The outcome of rapes in this pattern, again not about  
15 sexuality but more about humiliation and control of a population.

16 Q. Thank you very much. My next question relates to page 0604 and 0605 in the  
17 same report in the French version. It says that the experience of being traumatised  
18 can affect the nervous system which can have effects on the cerveau lui-même and  
19 may have effects such as PTSD. How is it possible to look at this deregulation of the  
20 nervous system, the damage to functioning and the nervous system or the brain, once  
21 the brain has been deregulated as a result of the traumatic events, is it possible to  
22 re-regulate an unregulated or deregulated brain? I hope that I have made myself  
23 clear.

24 A. Yes, this is a very important question. And actually a difficult and long  
25 question for me to answer, and I don't want to get too far off. But yes, I mean,

1 basically we're understanding more and more over the last 40 years of science that the  
2 relationship between the biology and the psychology, these things are interwoven  
3 with each other, right, so the deregulation of the nervous system is what is  
4 manifesting the symptoms that we're calling PTSD. That's a better understanding of  
5 what's happening from the perspective of a medical doctor and a scientist, you know,  
6 not to be tangential but psychiatrists are now board certified in the United States in  
7 psychiatry and neurology because the disciplines are intertwined.

8 So we think about the cure or the treatment plan as involving both the psychology of  
9 the individual but also the biology of the individual.

10 Your question is can they ever sort of get back to normal or be re-regulated? So once  
11 somebody has developed the full clinical picture of PTSD, the outcome can be that it  
12 can improve and get better. Usually that occurs with treatment. Less commonly  
13 somebody who meets the full symptom criterion for PTSD and has these  
14 deregulations will improve without treatment. That would be an unusual  
15 circumstance.

16 But to answer your question specifically, with treatment people can improve. The  
17 prognosis is somewhere in the range of fair to poor, however. So once someone has  
18 developed PTSD that's lasting and what we consider chronic, it is difficult to imagine  
19 them returning to 100 percent symptom free with a completely normally regulated  
20 nervous system.

21 So we do encourage people to get complete mental health treatment, which often  
22 would involve some kind of biological treatment like a medication and would include  
23 safety, but also some kind of psychological treatment or behavioural plan.

24 But to answer your question specifically, very often once PTSD has become chronic, it  
25 tends to be something that can improve, but something that can continue and

1 continue to be a chronic problem. Specifically with regard to your question I think is  
2 about the biology, and once the biology is altered and remains altered for a long  
3 enough period of time, it is difficult to see it get 100 percent back to normal.

4 Q. And if a person were to receive no treatment at all, what would be likely to  
5 happen to such a person?

6 A. Well, I think, I think a better way -- the best way for me to answer that question  
7 is to talk about protective factors and risk factors. For any individual person, it's  
8 hard to say, well, what's going to happen to that individual. Different people have  
9 different coping strategies for how they deal with things. Some people can be very  
10 affected and have -- through interaction with their family or someone who is not a  
11 mental health provider can have improvement, but that's rare.

12 I think, I think a better way for me to answer that question is to say some form of  
13 intervention like mental health treatment, psychosocial intervention, some form of  
14 intervention will improve the prognosis; whereas no access to mental health  
15 treatment, no access to intervention is a risk factor for continued suffering, continued  
16 symptoms.

17 Q. May that also depend on the personality of the victim? Can the personality  
18 affect it and may it also depend on whether the person themselves is a strong person  
19 or a weak person? What I'm talking about particularly is the vulnerability of the  
20 victim. Is this a factor which may affect the degree to which the person is able to  
21 overcome the problem and re-establish themselves?

22 A. Yes, I understand the question. I, as a clinician and someone who works with  
23 survivors often, I try to steer away from using terms like "weakness" and "strength."  
24 It's hard to calibrate that and be able to say, well, this person is very strong, they're  
25 not going to develop PTSD; this person is very weak, they will.

1 More the coping strategies or the way that somebody might deal with a loss, a  
2 traumatic event, a bereft or in this context, you know, a rape, there might be coping  
3 strategies that are more adaptive and suggest, you know, that are more predictive of  
4 the person developing or not developing a mental health outcome. But I would say  
5 that the strongest risk factors tend to be first around the crime, the severity of the  
6 crime, the interpersonal nature of the crime. You know, if somebody was sexually  
7 assaulted but not raped compared to someone who was gang raped multiple times,  
8 you would sort of see the difference in the magnitude.

9 And then other, other important protective or risk factors like, you know, is there  
10 support after the violent event, right? Did they have an intact family that can help  
11 them, or was their family also murdered during the event? Do they have a home  
12 that's stable and financially they're okay, or did they also lose everything in the event  
13 in addition to being raped?

14 So protective factors would be support, stability, other social factors that might -- that  
15 might make them better, access to better mental healthcare, right? Whereas risk  
16 factors would be, you know, not a supportive situation, new financial burdens, you  
17 know, the loss of a loved one along with the rape, right? So those would be more  
18 important predictors of the tendency toward one outcome or another.

19 Q. Thank you, Mr Expert. I think further on in the report it states that on page 612,  
20 it talks about the parental response and the psychological with the genetic footprint of  
21 the victim, which is then passed on to their descendants. So I'm asking about what  
22 are the long-term consequences of this genetic reprogramming? Can it be reversed  
23 for the victims and for their children?

24 A. Yeah, this is a complicated scientific issue, and I'll try to explain it as well as I  
25 can. But if it's not clear, please stop me and I can -- and I can try to correct.

1 You know, we've already talked about differences in parenting patterns which clearly  
2 affect the way children are raised and the kinds of outcomes that they have.

3 In addition to that, there is also an emerging science that's becoming more and more  
4 well understood that is called epigenetics. So epigenetics is the science of not  
5 mutational changes in DNA passed from one generation to the next, which is the way  
6 that we tend to see new traits enter into new generations. That takes many, many,  
7 many generations.

8 There is a phenomenon called epigenetics wherein during pregnancy the genetics that  
9 are -- the genes that are expressed in a foetus can be manipulated and changed by the  
10 conditions that are occurring during pregnancy. So in other words, the foetus has  
11 exactly the same genetics as its twin would, right? But the way that those genes are  
12 expressed in that individual are changed by the way that they experience the  
13 perinatal -- prenatal and perinatal circumstance.

14 So, in other words, somebody with a certain structure of DNA will express the DNA  
15 to such a different degree based on the stress that they're under as a foetus and young  
16 child that they actually appear to have a different genetic expression as a child and  
17 then even as an adult. That's what we're alluding to there.

18 And I'm sorry if I'm not being clear. I hope that that very quick explanation of  
19 complicated science is clear. Is it clear?

20 Q. The report is so technical that we have to ask this type of question in order to be  
21 able to understand it, but that was clear. Thank you.

22 A. Yes. And then I guess the answer to -- so you began the question with talking  
23 about what we call epigenetics, and at this stage of the game, it's not clear that  
24 epigenetics can be reversed. So in other words, once those genes are sort of turned  
25 on in the foetus, they seem to be perpetuated into adulthood. So what we're seeing

1 with epigenetics in psychiatry, and it's also seen in other areas of medicine, but what  
2 we are seeing so far is that once genes are turned on, for better or worse, they seem to  
3 be lasting. And at present there is not necessarily a way to change the trends that are  
4 set down in early life.

5 Q. So are we talking here about long-lasting damage in this sense?

6 A. Yeah, I would suggest that it's, yes, this is -- this is almost certainly long-lasting  
7 damage.

8 Q. I'd like to move to a different area and that is to know what would be the effect  
9 on the victim if the attacker recognizes the fact of the crime committed against the  
10 victim?

11 A. I think I understand what you are asking, but can you ask the question slightly  
12 differently?

13 Q. I'll try. If once someone has become a victim of a crime, if the perpetrator of  
14 the damage committed upon the victim recognizes or admits his fault, can that help  
15 the victim to come to terms with the suffering or to bear the suffering that's caused by  
16 the crime of which they are a victim?

17 A. I think I understand the question. So it's a difficult question to answer because  
18 there's two different aspects that I'll address, you know. It does not seem to be the  
19 case, for instance, with post-traumatic stress disorder, it does not seem to be the case  
20 that the symptoms of post-traumatic stress disorder, nightmares, anxiety, this  
21 perpetual replaying of the traumatic experience, it does not seem to be the case that  
22 that gets better or goes away because of a transitional justice process or because a  
23 perpetrator becomes known or is punished, right?

24 But then I think that there is a different psychological response that is not as  
25 biological sort of organic as the way I'm describing post-traumatic stress disorder, but

1 just the existential need for justice may be addressed through a transitional justice  
2 system. And so with patients it sort of depends on, you know, what the focus of  
3 attention might be, you know.

4 If I may, a for instance, when the Khmer Rouge were found guilty of crimes against  
5 humanity in the Khmer Rouge tribunal, the ECCC in Cambodia, you know, I know  
6 and the colleagues that I am aware of who work with the Cambodian diaspora, it's  
7 not that we saw PTSD become cured or less people coming to clinic or, you know,  
8 symptoms go away. In fact, for some people the symptoms actually got worse. But  
9 in a quantitative way, if you asked them how they felt about that, many of them were  
10 quite relieved, they felt that justice had happened. They were relieved in a different  
11 way that was not necessarily connecting with the mental illness, right, but was really  
12 about their sense of justice or their sense of existential fairness.

13 And again, I don't want to say that one of those things is more important than the  
14 other, but I think you are asking, you know, does the actual mental health symptoms  
15 that we code and treat, does that necessarily get better? And I'm not convinced that  
16 it does. I do think that this other sense can be improved upon through justice  
17 systems.

18 Q. I think that we have understood this because my question is really on the moral  
19 sense. Somebody being convicted is not going to bring back the virginity of a victim.  
20 It's a question of the moral aspect, and I think you have given a clear answer on that  
21 aspect.

22 In the report it talks of types of reparations. This is CAR-OTP-0094-0624 in the  
23 French version. It says that dealing with problems in mental health and should be  
24 adapted to the needs of the context and the culture, and if this is not taken into  
25 account, what will be the repercussions?



1 A. Well, I think that we -- I think that I wrote this part of this report to be clear that,  
2 you know, that mental health or psychosocial interventions are a sensible form of  
3 reparation. But I also wanted to be sort of clear that, you know, you know, I am not  
4 the correct professional to comment on exactly what kinds of mental health  
5 reparations make sense in a particular public health context or a specific cultural  
6 context.

7 Even, even in a place where I am I think more expert like in Cambodia, where I've,  
8 you know, interacted with that culture for 15 years and I've been back and forth to  
9 Cambodia and actually interviewed most of the Cambodian mental health  
10 professionals that are in high ranks, you know, even in that context it was not my  
11 place to comment on how they should spend their money or what would be the best  
12 kind of reparation in terms of mental health intervention that they might use, and  
13 similarly in that context, you know, really let their professionals talk about which  
14 specific kinds of mental health reparations ought to occur for that specific culture.  
15 I would say that the mental health outcomes seem to be very, very, very similar from  
16 one culture to the next, but the interventions that may or may not be appropriate are  
17 probably more different from one culture to the next.

18 Q. Are you familiar with the territory of the DRC, Mr Expert?

19 A. I am, I am -- I would not call myself an expert on that culture. The way -- what  
20 I am quite aware of given the reports that we've read is that there is a limited amount  
21 of resource available now in terms of mental health intervention.

22 THE INTERPRETER: Sorry. It should have been CAR, not DRC. I beg your  
23 pardon. Comment from the interpreter.

24 THE WITNESS: Okay.

25 MS DOUZIMA LAWSON: (Interpretation)

1 Q. Mr Expert, thank you very much for having answered all my questions.

2 Thank you, your Honour.

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

4 Just before we adjourn for today, I just would like to put a follow-up question. If I  
5 well understood in which context Maître Douzima put her question was much more  
6 in relation to an accused, whatever accused admitting the crime and maybe asking for  
7 forgiveness. To what point that would help victims to heal?

8 THE WITNESS: Yes, we've seen that in some of these truth and reconciliation  
9 commissions. And I think that what they are intending to measure there is  
10 something quite different than what, you know, what I intend to measure in terms of  
11 mental health pathology, diagnosis, rates of depression or PTSD. I think again there  
12 they are looking at something that's more qualitative, which is important and useful,  
13 but I think it's a little bit different from mental illness.

14 What we have seen is that people, you know, what the literature tells us about that is  
15 really highly dependent on what individuals intend to get out of a truth and  
16 reconciliation experience as to how much or little it will be helpful to them. If really  
17 what they're seeking is historical change in the way people understand the situation  
18 or, as you said, sort of an acknowledgment that wrongdoing has happened or even  
19 something of an apology, then they tend to report that they had a better experience.  
20 You know, if they want to see something other than that, like some kind, some form  
21 of justice or some form of monetary compensation, you know, they don't usually have  
22 as good of an outcome.

23 But in terms of did it change the rate or the severity of what I would call, you know,  
24 the mental illness component does not seem like it changes it that much. And then  
25 by anecdote, you know, the patients that I have who were involved with the Khmer

1 Rouge tribunal, some of them actually travelled there, some of them told their story as  
2 part of the record and, you know, basically, I realise as an anecdote it's based on a  
3 small number, but I would say almost all of them became symptomatically worse,  
4 right, and then they improved back to their base line.

5 So in terms of their symptoms, what happened is really they sort of brought it back  
6 up, felt bad for some amount of time and then went back to about normal, right. But  
7 then when asked, "Are you happy that you participated? Are you glad? Do you  
8 regret having participated in this transitional justice activity?" Universally they said  
9 "Yes, I'm very glad that I participated in that."

10 So there is some aspect of this psychology that responds to that, but not necessarily  
11 the part that I'm calling pathological.

12 PRESIDING JUDGE STEINER: It was very clear and I thank you very much.

13 THE WITNESS: Thank you.

14 PRESIDING JUDGE STEINER: So it is time for us to adjourn. We are completing  
15 two hours, which is the maximum that our poor interpreters can afford.

16 So I would like to thank you very much, Mr Witness.

17 We will continue, I would like to inform the parties and participants that tomorrow  
18 we'll sit regular hours, meaning from 9.30 to 11, 11.30 to 1 o'clock and 2.30 to 4 o'clock,  
19 so regular hours, sitting hours.

20 Mr Witness, thank you very much.

21 THE WITNESS: Thank you.

22 PRESIDING JUDGE STEINER: I wish you have a very restful night. I thank very  
23 much Prosecution team, Legal Representative of Victims, Defence team,  
24 Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters and court  
25 reporters. We will resume tomorrow. This hearing is adjourned.

- 1 THE COURT USHER: All rise.
- 2 (The hearing ends in open session at 5 o'clock p.m.)